

paralysis; we all followed; and all of us, but one, survived.

In the weeks that followed, we were never entirely sure we would get out of those jungle mountains; in such circumstances men learn truly to know one another; who is weak; who is afraid; who is impetuous, and who is strong, and calm, and prudent. As the time passed, the GI's and I began to recognize the civilian with the carefully guarded dispatch case as one among us with a calm and natural courage, as one who would never panic, who never complained. He was the one we chose, for commonsense and discretion, to deal with the touchy and dangerous Naga headhunters, our undecided hosts. Mostly we feared Japanese patrols, and a day came when we heard that there was a Jap patrol not far away. The colonel in charge gave orders that we three civilians, in case of attack, were to take our guns and try to escape, while the soldiers remained to fight. It was the diplomat who said, "In the first place, this would be dishonorable. In the second place, we'd never get out." Fortunately, there was no attack.

There was, however, a long and painful hike in rain and heat for all of us. There were moments when another step seemed quite impossible. In such moments, it was generally the diplomat who would sing out with something like "Onward and upward with the arts," and we would laugh and gasp and keep on climbing. I began to faint with heat and thirst on one suffocating slope; the man who left his half pint of water with me—all he had—was, of course, the diplomat.

After we emerged into India and the military reports were in, there was a move in the Air Force to decorate our diplomat for his outstanding personal conduct. I do not know if he ever received the decoration. But none of us in that strange party, I think, would have disputed the choice. For I thought then, as I think now, that if ever again I were in deep trouble, the man I would want to be with would be this particular man. I have known a great number of men around the world, under all manner of circumstance. I have known none who seemed more the whole man; none more finished a civilized product, in all that a man should be—in modesty and thoughtfulness, in resourcefulness and steady strength of character.

The name of this man is John Paton Davies. He is the man Secretary of State Dulles, on the recommendation of a 5-man board, has just broken on the wheel of official disgrace. The Foreign Service officer dismissed, 3 years short of retirement and pension, after giving 23 years of his life—and almost life itself—in the arduous service of his government. Eight times he was investigated; eight times he was cleared. One by one the politically inspired charges of communism or disloyalty or perjury were dropped; the ninth board came up with something new, called defects of character. Mr. Davies is not, concluded the board and Mr. Dulles, of sufficient judgment, discretion, and reliability.

Sufficient, one may ask, unto what? Their test can only have been of supernatural design. I saw their victim measured against the most severe tests that mortal man can design. Those, he passed. At the head of the class.

RECESS TO 11 O'CLOCK A. M. TOMORROW

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 39 minutes p. m.) the Senate took a recess until tomorrow, Friday, November 12, 1954, at 11 o'clock a. m.

SENATE

FRIDAY, NOVEMBER 12, 1954

(Legislative day of Wednesday, November 10, 1954)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God who, though all else fades, remainest the same, Thou who leaveest us never, even when we leave Thee, and whose tender mercy is over all Thy works: We come at the beginning of yet another day praying for strength for our burdens, wisdom for our responsibilities, insight for our times, and faith enough to remove mountains that loom frowningly before us.

We thank Thee for America, which still stands before the oppressed anywhere and everywhere as the symbol of the morning radiance of a joyous hope. For all afar off who sigh for liberty, for all lovers of the common people who strive to break their shackles, for all who dare to believe in democracy and the kingdom of God's love, make Thou our great commonwealth once more a flaming beacon light and a guide on the path which leads to the perfect union of law and liberty. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, November 11, 1954, was dispensed with.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Abel	Cotton	Green
Aiken	Crippa	Hayden
Anderson	Daniel, S. C.	Hendrickson
Barrett	Dirksen	Hennings
Beall	Douglas	Hickenlooper
Bennett	Duff	Hill
Bricker	Dworshak	Holland
Bridges	Eastland	Hruska
Brown	Ellender	Humphrey
Bush	Ervin	Ives
Byrd	Ferguson	Jackson
Caphart	Flanders	Jenner
Carlson	Frear	Johnson, Colo.
Case	Fulbright	Johnson, Tex.
Chavez	Gillette	Johnston, S. C.
Clement	Goldwater	Kefauver
Cooper	Gore	Kilgore

Knowland	Monroney	Smith, Maine
Kuchel	Mundt	Smith, N. J.
Langer	Murray	Sparkman
Lehman	Neely	Stennis
Lennon	Pastore	Symington
Magnuson	Payne	Thye
Malone	Potter	Watkins
Mansfield	Purtell	Welker
Martin	Russell	Wiley
McCarthy	Saltonstall	Williams
McClellan	Schoeppel	Young

Mr. SALTONSTALL. I announce that the Senator from Maryland [Mr. BUTLER], the Senator from Oregon [Mr. CORDON], and the Senator from Colorado [Mr. MILLIKIN] are necessarily absent.

Mr. CLEMENTS. I announce that the Senator from Ohio [Mr. BURKE], the Senator from Texas [Mr. DANIEL], the Senator from Louisiana [Mr. LONG], and the Senator from Virginia [Mr. ROBERTSON] are absent on official business.

The Senator from Georgia [Mr. GEORGE] and the Senator from Oklahoma [Mr. KERR] are necessarily absent.

The Senator from Massachusetts [Mr. KENNEDY] is absent by leave of the Senate because of illness.

The Senator from Florida [Mr. SMATHERS] is absent by leave of the Senate on official business.

The Senator from Oregon [Mr. MORSE] is necessarily absent.

The VICE PRESIDENT. A quorum is present.

Routine business is now in order.

MEMORIALS

The VICE PRESIDENT laid before the Senate memorials from sundry citizens and organizations of the United States, remonstrating against the censure of Senator McCARTHY, which were ordered to lie on the table.

CIVIL DEFENSE—RESOLUTION OF NATIONAL ASSOCIATION OF STATE CIVIL DEFENSE DIRECTORS, CHICAGO, ILL.

Mr. WILEY. Mr. President, yesterday, the Nation observed its first Veterans' Day, November 11. On this occasion, formerly known as Armistice Day, we honored the heroes of America's conflicts, and we rededicated ourselves to the defense of our beloved country for which they fought and for which so many of them died.

It is essential—on 365 days of the year—that we fulfill the age-old admonition of the founders of our country that "eternal vigilance" is the price of liberty.

We must be wary of worse Pearl Harbors than the tragedy which we experienced on December 7, 1941.

We must be wary of dangerous Soviet propaganda in which they attempt to lull the Western World to sleep.

In this connection, one of the most important needs of our land is for strengthened civil defense. In turn, one of the most critical phases of this problem is protection against radiological hazards.

I have been pleased to receive from Maj. Gen. Ralph J. Olson, adjutant general of the State of Wisconsin and director of civil defense, an important resolution which had been adopted at the most recent meeting of the National Associa-

tion of State Civil Defense Directors in Chicago urging important Federal steps in cooperation with the States against this radiological danger.

I present the resolution and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Considering the grave implications to the entire Nation in the recent pronouncements of the Department of Defense relative to the danger of contamination caused by fall-out of radioactive materials resulting from the employment of the more modern atomic and thermonuclear weapons;

Considering, further, the unknown behavior pattern of fall-out of radioactive materials from thermonuclear weapons;

Considering, further, the grave possibility that in the event of an enemy attack, the entire country will have to be prepared to cope with fall-out of radioactive materials, and that every area within the Nation may have to be surveyed with detection and measuring instruments to determine the existence and extent of radiation contamination;

Considering, further, that exposure to radiation contamination is injurious to life—ranging from various degrees of disability to death—and that this hazard can be circumvented only by avoiding contaminated areas;

Considering, further, that although training and preparation will be invaluable, the actual carrying out of the training procedures and techniques, in the event of attack, will be rendered ineffective and impotent without the availability of instruments;

Considering, further, that the instrumentation needed by the civil defense radiological services is entirely a war measure and is properly the responsibility of the Federal Government;

Considering, further, that, under existing Federal law, responsibility for civil defense operations is vested primarily in the individual States, but that the States cannot effectively carry out their obligation of dealing with radiological hazards without the aid and support of the Federal Government for acquiring radiation detection and measurement instruments—a field in which the interest of the Federal Government is paramount: Be it, therefore,

Resolved, That the Federal Government be requested and urged—

(a) To expedite the necessary experimentation which would produce effective high scale instruments for the civil defense radiological services of the individual States; and

(b) To purchase and make available to each State, as soon as possible, an adequate number of such operational instruments of all types required properly to safeguard the health and welfare of the people from dangerous exposure to radiation should an enemy attack; be it further

Resolved, That copies of this resolution be forwarded to all Members of Congress and Federal Civil Defense Administration.

NOTICE OF HEARING ON NOMINATIONS BY COMMITTEE ON THE JUDICIARY

Mr. LANGER. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, November 19, 1954, at 9 a. m., in room 424, Senate Office Building, upon certain nominations. At the indicated time and place all persons interested in the nominations may make such representations as may be pertinent. The subcommittee

consists of myself, chairman, the Senator from New Jersey [Mr. HENDRICKSON], and the Senator from Tennessee [Mr. KEFAUVER]. The nominations are as follows:

John Marshall Harlan, of the State of New York, to be Associate Justice of the Supreme Court of the United States, vice Robert H. Jackson, deceased.

Walter M. Bastian, of the District of Columbia, to be United States circuit judge for the District of Columbia circuit, to which office he was appointed during the last recess of the Senate.

Lamar Cecil, of Texas, to be United States district judge for the eastern district of Texas, to which office he was appointed during the last recess of the Senate.

Joseph Charles McGarraghy, of the District of Columbia, to be United States district judge for the District of Columbia, vice Walter M. Bastian, elevated.

Phil M. McNaghy, Jr., of Indiana, to be United States attorney for the northern district of Indiana, to which office he was appointed during the last recess of the Senate.

Leon P. Miller, of West Virginia, to be United States attorney for the Virgin Islands, to which office he was appointed during the last recess of the Senate.

John R. Morris, of West Virginia, to be United States attorney for the northern district of West Virginia, to which office he was appointed during the last recess of the Senate.

Carlton G. Beall, of Maryland, to be United States marshal for the District of Columbia, to which office he was appointed during the last recess of the Senate.

Russell R. Bell, of West Virginia, to be United States marshal for the southern district of West Virginia, to which office he was appointed during the last recess of the Senate.

M. Frank Reid, of South Carolina, to be United States marshal for the western district of South Carolina, to which office he was appointed during the last recess of the Senate.

Irl E. Thomas, of West Virginia, to be United States marshal for the northern district of West Virginia, to which office he was appointed during the last recess of the Senate.

ANNOUNCEMENT AS TO PROGRAM

Mr. KNOWLAND. Mr. President, I should like to make a brief announcement for the information of Senators.

We shall take a recess for the luncheon period, probably at about 12:30 or shortly thereafter. At 2 o'clock the Premier of Japan will come to the Chamber to be introduced. I hope all Senators on both sides of the aisle will be able to adjust their programs in order to return to the Chamber from luncheon promptly at 2 o'clock, so we shall have a full attendance at that time.

REGULAR PROCEDURE OF THE SENATE

Mr. MALONE. Mr. President, will the Senator from California yield to me?

Mr. KNOWLAND. I yield.

Mr. MALONE. I understand that certain committees are holding hearings—for instance, the Appropriations Com-

mittee and other committees—although when the subject was submitted to the majority leader on the opening day, he was very discouraging in respect to having any committees hold hearings. As a matter of fact he indicated he would refuse the necessary unanimous consent.

It seems to me it is time we settled down and had a definite program for the Senate. It has been the custom of the Senate to meet at 12 o'clock and to sit continuously thereafter during the day until the business at hand is completed or a recess agreed upon.

The Senators had lunch either before 12 or later at their convenience and the business of the Senate indicated. Under those circumstances, all of the Members of this body knew how to allocate their time and to discharge their responsibilities. Under the present erratic procedure nothing can be planned.

On the opening day, our committee sent 23 telegrams announcing a postponement of hearings which had been scheduled for 3 months.

So we would like very much to have a definite program established for the Senate so we might plan our work.

Our committee—Minerals, Materials, and Fuels—Senate Resolution 271—has had a definite schedule of work laid down since Congress recessed for definite hearings and inspection in South America in connection with Senate Report No. 1627 completed under Senate Resolution 143 of the 1st session of the 83d Congress. However, there would appear to be an innovation, in that the Senate sessions begin at 10 or 11 o'clock or at any time that may be determined without prior notice; then the Senate may or may not be recessed for a lunch period lasting anywhere from 30 minutes to an hour and a half. The result is that no Member of the Senate knows in advance what the Senate's schedule will be; therefore no schedule of committee operation can possibly be set.

So let me inquire of the distinguished majority leader whether we can return to the regular order, so that we shall be able to handle our regular work and also give proper attention to the emergency which now confronts us.

Mr. KNOWLAND. Let me say to my distinguished colleague and friend, the Senator from Nevada, that I have been trying to adjust the program to meet varying and conflicting points of view in the Senate in regard to the length of time the Senate sessions should last and the conditions under which we should proceed. The committees to which the Senator from Nevada has referred have held their meetings at times when the Senate was not in session. The Foreign Relations Committee met yesterday, at a time when the Senate was not in session. This morning the Appropriations Committee met from 9:30 until 11 a. m., and then adjourned its meeting.

Sometime ago, after consultation with the minority leader, the majority leader announced to the Senate that there would be no session of the Senate on Saturday of this week. Presumably, any committee which desired to meet on that day would not be interrupted by quorum calls or votes.

A number of Senators on both sides of the aisle, and on both sides of the question, have expressed the hope that we might be able to proceed each day with at least 6 or 7 hours of debate, and also that some arrangement might be made so that Senators would not have to leave the Chamber for their luncheon period while debate was in progress. Even when we met at 12 o'clock yesterday—and 12 o'clock is the hour suggested by the Senator—along about 1 or 1:30 there were suggestions from Senators who had been in the Chamber during the entire period of time and had been participating in the discussion or listening to the discussion, that there be a recess period of a little more than an hour. On the first day we found that a 45-minute period was not sufficient.

The majority leader has only been trying to devise a program to meet the varying points of view. Today it is planned to continue in session until 12:30 or 12:45, and then recess, no later than 12:45, to the hour of 2 o'clock. At 2 o'clock the Premier of Japan will be present, and there will be a brief period when Senators will have an opportunity to meet him. Then we shall proceed with debate on the pending question.

Mr. MALONE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. I yield to the Senator from Nevada.

Mr. MALONE. At what time does the distinguished majority leader believe a dependable program for next week can be laid down?

Mr. KNOWLAND. I have had some discussions with the minority leader with respect to the program for next week. It is planned to have the Senate meet at 11 o'clock each day, not at 10 o'clock, and to continue in session until approximately 12:30 or 12:45, at which time a recess for luncheon will be taken, following which the Senate will reconvene and remain in session until approximately 5:30 in the afternoon. All that is contingent upon the approval of Members of the Senate. That is merely our recommendation.

Mr. MALONE. Does the Senator suppose that, after discussion, we could arrive at an agreement upon a program on which we could depend?

Mr. KNOWLAND. I have given an explanation of the reasons—

Mr. MALONE. The witnesses to whom I have referred come from great distances, and at their own expense.

Mr. KNOWLAND. I understand that. I think the Senator would be entirely safe in assuming that from 9 o'clock until 11 o'clock each day next week he could schedule the testimony of those witnesses, if that is the desire of the committee.

Mr. MALONE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. I yield.

Mr. MALONE. No doubt the luncheon period is a relief. However, the Senator from Nevada has been in the Chamber a considerable part of the time, and he has counted the attendance at various times. The average attendance actually on the floor for this week would

add up to about 25 Senators—so it would seem that the membership could manage a luncheon period with the Senate in session as it has always done.

Mr. KNOWLAND. I think this is a little different situation from the normal proceedings of the Senate.

Mr. MALONE. I agree that it is important; therefore some regular procedure should be agreed upon.

Mr. KNOWLAND. We are considering a resolution of censure. Members of the committee are trying to follow the debate closely, as are members of the staff of the distinguished junior Senator from Wisconsin, staff members of the committee, clerks and attachés of the Senate, and many Senators.

Mr. MALONE. The complete Senate membership is following the proceedings. I myself read the entire RECORD this morning.

Mr. KNOWLAND. Those who wish to be present all the time know that they will not miss any major discussion or major points during a luncheon period. That is all the majority leader has been trying to accomplish. If the Senate wishes to change the arrangement, it is entirely within the power of the Senate to do so.

Mr. MALONE. Why does not the distinguished majority leader simply suggest the regular order, and see if there is any objection or a desire to change it?

Mr. KNOWLAND. I have suggested the present procedure after consultation. The Senate can reverse the arrangement if it so desires.

DESTRUCTION OF THE LEGISLATIVE POWER OF THE SENATE

Mr. MALONE. Why hold the Senate in extraordinary hours of debate; why pressure this body to rush its own destruction and to further impair the investigative power of the Senate?

We have already taken a big bite out of it when we established the precedent that at any time members of the executive branch can come before a Senate committee and, when a question is distasteful to him, hide behind the self-incriminatory provision of the Constitution or an order from his superior, and then cause charges to be filed against the chairman of the committee, resulting in a soap-opera trial, with the original question entirely forgotten.

Mr. KNOWLAND. Mr. President—

Mr. MALONE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. If the Senator will allow me, I should like to answer his observation.

Mr. MALONE. I did not ask for an answer.

Mr. KNOWLAND. I will yield further, and then I shall make my response.

Mr. MALONE. If the proposal before the Senate shall be approved, any Senator can be censured because he is losing his hair, or does not part it to suit other Members.

The Senator from Nevada is following the debate very closely. I hope and I believe every other Senator is following it closely, so that the investigative power of the Senate may not be further impaired by the final vote on this resolution. Some of us feel very humble car-

rying on the traditions of this great body. For 175 years the Senate has at least maintained those traditions to the point where our successors can carry on.

I hope the distinguished majority leader will arrange the program so that we may follow the regular order, beginning at 12 o'clock noon and recessing at a convenient point in debate around 5:30 to 7 p. m. as has been the custom. The program should be such that Senators may have time and opportunity to digest the debates as members of the greatest deliberative body in the world—and not be pushed around in the manner established during the closing hours of the Senate last summer.

We should be enabled to digest the evidence and to finally vote in such a manner that at least our successors may carry on, as our predecessors have done for 175 years.

Mr. KNOWLAND. Mr. President, I will say to the Senator, in response to his statement, that, in the first place, the committee did not bring the charges. No member of the committee had to serve on the committee. The committee was created by resolution, and by a vote of the Senate of the United States.

We are here, I hope, with unprejudiced minds, to listen to the evidence and facts which are being presented to the Senate. I think we are functioning in one of our highest responsibilities when we deal with a Member of this body. I hope Senators will withhold final judgment, and will finally vote on the question presented to them in the form in which it is presented according to the dictates of each individual Senator's conscience in the light of what is best for the Senate and what is best for the country.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. KNOWLAND. I will yield when I finish.

As to the investigative powers of the Senate, so long as I have a vote in this body I will never vote to do anything to impair the proper investigative functions of the United States Senate. I have always looked upon the Senate, and I now look upon the Senate, as a part of the legislative arm of the Government, which, under the Constitution, is established as a coequal branch of the Government. The legislative branch of the Government, the Congress, is not subordinate to the executive branch.

Mr. MALONE. Not completely as yet.

Mr. KNOWLAND. Nor is the executive branch subordinate to the legislative arm of the Government. That is the way our system is supposed to function.

There were times during the previous administration, and there have been times under this administration, when there was some reluctance about presenting to a committee upon which I served information which I felt should be presented to it. I have taken just as firm a stand under this administration as I did under the previous administration in insisting that a committee of the United States Senate has the right to certain information. So long as I serve

in this body neither my voice will be heard nor my vote cast, either in this proceeding or any other, in support of doing anything which would subtract one iota from the proper investigative powers of the United States Senate.

Mr. MALONE. I congratulate the distinguished majority leader upon his wonderful statement, and I hope it will have its effect on this great deliberative body.

I would say at this point, however, that Mr. Hitler never violated a rule or law or precedent of the Reichstag. He saw to it ahead of time that the Reichstag set the precedent or passed the law or made the rule under which he wanted to announce the necessary changes in procedure. The legislative body destroyed itself. I leave that thought with the majority leader.

Mr. KNOWLAND. I do not quite get the Senator's point in that regard. Unfortunately the people of Germany under their Republic did not have a constitution like ours. The Government was permitted to govern by decree. Under former Chancellor Bruening precedents were established for governing by decree. Those precedents were later used by Hitler to destroy the Republic. However, if we maintain our constitutional system and make certain that no Executive can govern by decree, but that he must follow the constitutional process of having legislation enacted by the legislative bodies elected by the people of the country, we will never be faced with that problem. I, for one, feel that a Member of the Senate or of the House of Representatives, who takes an oath to support and defend the Constitution of the United States, will never ignore his responsibility or waive his responsibility as a Member of the House or as a Senator of the United States.

Mr. MALONE. Mr. President, will the Senator from California further yield?

Mr. KNOWLAND. I yield.

Mr. MALONE. I would state at this point that we are following the procedure of legislative bodies wherever dictatorships have been established.

We are nibbling at the investigative power of the Senate by censuring any Senator who seeks to investigate any procedure or act, asking questions distasteful to a witness.

NO ALLEGATION OF VIOLATION OF A SENATE RULE

If the distinguished Senator from California will further yield, I will say that I have heard no accusation made on the floor of the Senate, or at the hearings, or at the time the allegations were filed, that the Senator on trial ever violated a rule of the Senate.

I understand that the Senate is the judge of its own Members, and can decide whom it will seat in the Senate. The Senate could expel the senior Senator from California or the senior Senator from Nevada, if it so desired, if it had the votes with which to do it, regardless of the nature of the charges.

NO CENSURE UNLESS A SENATE RULE VIOLATED

However, the Senate has yet—over a period of 175 years—to set a precedent of censuring a Senator unless he has violated a rule of the Senate.

Senators have been tried and censured—and they have faced expulsion, but no Senator has ever been censured except on an allegation and conviction that he violated an established rule of the Senate.

Therefore, if we proceed in the matter before the Senate on the theory that we will later adopt a rule which the Senator in question would have violated if it had been a rule of the Senate at the time of the commission of the alleged act, that is quite another matter.

There will be, I may say to the distinguished majority leader, some serious debate before any such proposed rule will be adopted in any case.

THE JUNIOR SENATOR FROM WISCONSIN A WHIPPING BOY

The senior Senator from Nevada feels that the junior Senator from Wisconsin is merely the whipping boy in this procedure. He feels that the real objective from the very beginning has been to destroy the investigative power of this body.

By pinning the spotlight on a personality the public can be divided. You could not so easily divide public opinion on the principle involved.

The present procedure or the next accusation, once the principle is established, could be the chairman of the Appropriations Committee [Mr. BRIDGES] or the chairman of the Committee on Rules and Administration [Mr. JENNER] or the distinguished majority leader.

Mr. KNOWLAND. It seems to me the senior Senator from Nevada is making an argument on the merits of the resolution that is worthy of attention. At this point I do not care to enter into that debate. I have my own views, which I shall make known at the proper time.

I believe that the problem before the Senate now, under the unanimous-consent agreement, is whether the Senate will have a morning hour and immediately thereafter take up the subject matter of the resolution and debate that issue.

The remarks of the distinguished senior Senator from Nevada are in entire keeping with his feelings in the matter, and are arguments which need to be made in the Senate on the question of precedent.

Mr. MALONE. Mr. President, will the Senator further yield?

Mr. KNOWLAND. However, I do not want to get into a debate on that point at this time because I may not disagree with the Senator from Nevada on all the points he is making.

I yield further to the Senator from Nevada.

PROCEDURE OF THE SENATE

Mr. MALONE. The question that brought about the debate between the Senator from California and the Senator from Nevada was the question of how the Senate should proceed, so that those of us who have other work to do can get it done. I suggest to the Senator from California that he consider having the Senate follow the regular order next week, by having the Senate convene at 12 o'clock and recess at a convenient time in the evening. If that is done, some of the committees may hold their hearings in the morning, and Senators

may also be able to digest the proceedings of the Senate, as we always do in matters in which we are interested. If that course were followed, we could hold our hearings and the Senate could be in session for 6 or 7 hours, if that were the desire of the Senate, and we could perform our work in the regular order, provided it were understood and we did not keep this deliberative body always in a state of flux.

This morning is the first time the Senator from Nevada, after canceling all hearings of his committee set for 3 months, ever had any indication of what we might depend on in point of timing of the work of committees.

IMPORTANT PRECEDENT

The question before the Senate includes an important precedent, and we all understand it is a vital matter. We are watching it very closely. If we were to proceed in accordance with the regular order next week, all of us could digest the arguments made in the Senate and be ready to vote when we have reached that point in the debate. At the same time, we could keep up our regular work and continue with it even after the pending business has been voted upon.

Mr. KNOWLAND. I will say to my distinguished friend and colleague from my neighboring State of Nevada, that of course any suggestions which he makes or which any other Senator makes will be taken into consideration. I shall consult further with the minority leader and with other Senators, who have made other suggestions as well, and determine if it is possible to reach further determinations.

AWARD TO HON. WILLIAM S. B. LACY, MINISTER-COUNSELOR OF THE UNITED STATES TO THE PHILIPPINES

Mr. MANSFIELD. Mr. President, the Honorable William Lacy, Minister-Counselor of the United States of America to the Philippines, has returned to the United States for reassignment by the Department of State.

Bill Lacy did an outstanding job as Minister-Counselor of the United States in the Philippines and along with Ambassador Raymond Spruance formed a diplomatic team of outstanding ability. The Senator from New Jersey [Mr. SMITH] and I know of the outstanding talent displayed by Mr. Lacy at the time of the Manila Conference in September of this year. We were impressed with his ability and understanding. He has always typified the highest standards of our Foreign Service personnel. Bill Lacy is not alone appreciated by his own country but he is also the recipient of great honors from the people among whom he served so ably.

Mr. President, I ask unanimous consent to insert with my remarks in the Record, the citation by His Excellency, Ramon Magsaysay, President of the Republic of the Philippines, in granting the Golden Heart Presidential Award; a citation from the Chief of Staff of the Philippine Armed Forces, Gen. Jesus Vargas, granting the award of Commander

in the Philippine Legion of Honor; and various communications from the Department of National Defense of the Republic of the Philippines; and newspaper editorials relative to Mr. Lacy's service.

Bill Lacy distinguished himself as a representative of the United States of America. His service in the Philippines is a continuing step in his devotion to the welfare, the security, and national interest of our country. He has earned the thanks of two grateful nations—his own and the one to which he was accredited. He has been a good and faithful servant.

There being no objection, the citations, communications, and editorials were ordered to be printed in the RECORD, as follows:

CONFERMENT OF THE GOLDEN HEART PRESIDENTIAL AWARD ON HON. WILLIAM S. B. LACY

Pursuant to Executive Order 40-a, dated June 21, 1954, I hereby confer upon Hon. William S. B. Lacy the Golden Heart Presidential Award.

This award is conferred upon him in his capacity as counselor and deputy chief of mission, Embassy of the United States of America in the Philippines, in recognition of his outstanding role in the prosecution of the joint undertaking of the two countries to place their relationship on a firm and enduring basis, particularly in the implementation of the policies of the United States Government designed to assist the Philippine Government toward insuring the national security and the economic and social well-being of the Filipino people, in which endeavor he has exercised exemplary tact, sincere friendship, and uncommon understanding. Imbued with the desire to strengthen the ties of amity and good will between the United States and the Philippines, Counselor Lacy has assisted the Filipino people in their continuing efforts to bolster the democratic institutions in this country and to foster their unity of purpose and effective cooperation essential to the perpetuation of the intimate relationship that bind the two countries and to the maintenance of lasting peace in this part of the world.

Done on this 23d of September, in the year of our Lord, 1954, and of the Independence of the Philippines, the 9th.

RAMON MAGSAYSAY.

SEPTEMBER 23, 1954.

GENERAL HEADQUARTERS,
ARMED FORCES OF THE PHILIPPINES,
Camp Murphy, Quezon City,
September 21, 1954.

GENERAL ORDERS NO. 444—AWARD OF THE PHILIPPINE LEGION OF HONOR (COMMANDER)

By direction of the President, pursuant to paragraph 2e, section I, AFPR G 131-051, this headquarters, dated January 21, 1954, the Philippine Legion of Honor (Commander) is hereby awarded to Hon. William S. B. Lacy for outstanding and distinguished service to the Republic of the Philippines, as counselor and deputy chief of mission, Embassy of the United States of America. He has amply demonstrated sincerity of purpose and sympathetic understanding of the Philippine point of view, notably in the consideration of the problems mutually affecting the two countries. His unremitting interest in political, economic, and military affairs has resulted in the implementation of the various United States aid programs and the promotion of Philippine defense, thereby enhancing the well-being and security of the Filipino people. An advocate of stronger ties of friendship and good will between the United States and the Philippines,

Counselor Lacy, in both his official and private capacities, has largely been instrumental in securing harmonious and progressive relationships. By his inspired assistance, tact and high ideals, he has not only won the gratitude of the Filipinos but has also contributed significantly in making the Philippines a bastion of democracy in southeast Asia.

By order of the Secretary of National Defense:

JESUS VARGAS,
Lieutenant General, AFP, Chief of Staff.

Official:

PEDRO S. HERNANDO,
Colonel, AGS, The Adjutant General.

REPUBLIC OF THE PHILIPPINES,
DEPARTMENT OF NATIONAL DEFENSE,
CAMP MURPHY, QUEZON CITY,
September 22, 1954.

HON. WILLIAM S. B. LACY,
Embassy of the United States, Manila.

DEAR MR. COUNSELOR: By direction of the President, the Philippine Legion of Honor (Commander) is awarded to you pursuant to the attached copy of General Orders No. 444, General Headquarters, Armed Forces of the Philippines, dated September 21, 1954, for distinguished service to the Republic of the Philippines, in your capacity as counselor and deputy chief of mission, Embassy of the United States of America.

The Secretary of National Defense will personally award the decoration to you at 9:30 o'clock in the morning, September 23, 1954, at his office, second floor, GHQ AFP Building, Camp Murphy, Quezon City.

May we request you, therefore, to come to the appointed place at the above-stated time and date.

Very truly yours,
ISAGANI V. CAMPO,
Colonel, GSC (Inf), Military Assistant.

A DIPLOMATIC TEAM

President Magsaysay and the Philippine Government have bestowed signal honors upon an American diplomat who is leaving the Philippines today on completion of a critical tour of duty as minister-counselor of the United States Embassy and deputy chief of mission, next in authority to Ambassador Spruance.

Minister William S. B. Lacy was presented with a Legion of Honor medal by the department of defense yesterday morning and with the Golden Heart medallion a few hours later by the President himself, both in token of his extraordinary services to this nation as representative of the United States here and to the cause of democracy in Asia. Because it is the function of a diplomat to work behind a screen of formality, only a small handful of people know how extensive and effective Mr. Lacy's work has been. The Presidential gesture was one of deep and sincere appreciation.

Mr. Lacy's departure today for eventual new assignment in the service means the separation of an extraordinary working team. Ambassador Spruance and Mr. Lacy are temperamental opposites who complement each other almost to perfection. The Ambassador's calm and deliberate mien hides a multitude of vigorous, forceful convictions and a monumental rectitude. Mr. Lacy's suave tact, unfailing resourcefulness in word and action, and his sympathetic understanding of people and their problems reveal more about him than they hide. Pride and honor are held high by both men. Both are men of courage. Although they may have differed as to methods on occasion they have always found agreement on fundamentals.

The relationship has been thoroughly tested through all sorts of vicissitudes. They have handled American policy in the Philippines in one of its most critical periods,

when even the survival of democracy has been at stake, as in the last elections. The diplomatic mission they head is one of the largest in the world, charged with very heavy responsibility. And as a lasting tribute to the working team of Spruance and Lacy, it can be said that Philippine-American relations at this moment have never been better.

WILLIAM LACY

William S. B. Lacy, who leaves the Philippines today, arrived here to take up his duties as minister-counselor in the American Embassy 2 years and 1 month ago.

The period between has brought him rather more than one man's share of hard work, of some discouragement, of some misrepresentation.

But as he boards the plane that will take him away this morning, he will carry with him some rewarding thoughts, some compensations for the hard work.

The two decorations which he received yesterday in token of the high regard in which he is held by the nation whose bonds of friendship with his own country he strove so mightily—and on the whole, so successfully—to preserve and to strengthen, will be tangible and gratifying mementos of phases in his service to which he can look back with justifiable pride.

But above all these he will carry home the assurance that he has abundantly served his country; not in a narrow selfishness for his country's interests alone, but in the wider knowledge that dedicated service gives a man: the knowledge that nation is best served which is best brought into harmony with the interests of its friends and its neighbors—those of its neighbors which are nearest to it in ideals and in outlook.

To work in and for the Philippines in the past half-century America has sent some of her best men, at all levels. In William Lacy she loaned us one of her very best; and it is a pleasure, now that he is on his way to other fields of service, to acknowledge this, and to wish him Godspeed and those heavier burdens in his country's service for which he is so richly endowed.

CONTROL OF THE MARINE CORPS BY THE CHIEF OF NAVAL OPERATIONS

Mr. MANSFIELD. Mr. President, I have been hearing rumors and reading stories to the effect that at the present time an effort is being made by some admirals of the Navy to gain control of the Marine Corps and to place its Commandant under the command of the Chief of Naval Operations.

In view of this rumored proposal, I desire to say it is my understanding that Public Law 416—the Marine Corps Act—passed by the 82d Congress, clearly defined the status of the Commandant of the Marine Corps as a coequal participant with the Joint Chiefs of Staff in all matters of direct concern to the Marine Corps. The Commandant of the Marine Corps is a direct subordinate of the Secretary of the Navy, and is in no way subordinate to the Chief of Naval Operations.

It is my hope that the specific and detailed outline of the Commandant's duties, as established by Public Law 416, will in no way be diminished, but that the law itself will be lived up to in spirit, in word, and in fact. I am concerned by the rumors and press reports to the effect that certain high-ranking officials within the Navy are not willing to carry

out the specific intent of this law as it affects the Marine Corps. It is my hope that I will receive the proper assurances immediately from the Secretary of Defense to the effect that the statutes governing the Marine Corps and its Commandant will be adhered to.

Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of a letter which I wrote to the Honorable Charles E. Wilson, Secretary of Defense, about this matter under date of November 9, 1954.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
November 9, 1954.

HON. CHARLES E. WILSON,
Secretary of Defense,
Washington, D. C.

DEAR MR. SECRETARY: As you may be aware I have been, both as a Member of the House and presently as a Member of the Senate, deeply interested in defense matters. In particular, I have had a long interest in the organization and functioning of the Department of the Navy.

Because of my long-standing interest in such matters I was very pleased to note the report of the Committee on Organization of the Department of the Navy, dated April 16, 1954. I feel that this committee, which I understand was an extension of the reorganization initiated by Reorganization Plan No. 6, conducted a thoughtful and thorough examination of the organizational functioning of the Department of the Navy. I was interested to note that the committee reported that the inconsistencies between the statutes and the regulations regarding the position of the Chief of Naval Operations in his relationship to the Marine Corps and its Commandant had been resolved. The resolution of such conflict between statute and administrative orders has long been overdue and I congratulate you and your subordinates on making such a vital improvement.

Because of my long-standing interest in this matter I would deeply appreciate receiving a copy of the document referred to on page 11 of the report, by which the Secretary of the Navy corrected the situation by administrative action. If you can provide me with a copy of this document at an early date your courtesy would be deeply appreciated.

I note with deep concern the report in the November 12 issue of U. S. News & World Report to the effect that apprehension is being felt that the Chief of Naval Operations is attempting to gain control of the Marine Corps.

Needless to say I hope that this is an unfounded rumor. As you may know, I was one of the original sponsors of Public Law 416, 82d Congress, which assigned the Commandant of the Marine Corps coequal status in the Joint Chiefs of Staff on matters of direct concern to the Marine Corps. Any direct or indirect abridgement of the letter or intent (as clearly set forth in pertinent committee reports on the bill) of Public Law 416 would be a matter of grave concern to me, and I am sure, to the many others who joined in lending their names to the long list of those who sponsored that vitally necessary legislation. It would be reassuring to learn that the rumor is unfounded and that the law is not in danger of being thwarted by subordinating, in any matter, the Marine Corps or its Commandant to the Chief of Naval Operations.

With best personal wishes, I am,
Sincerely yours,

MIKE MANSFIELD.

LETTER OF SENATOR JOHNSON OF COLORADO CONCERNING SENATOR McCARTHY

Mr. WELKER. Mr. President, I have consulted with the Senator from Colorado [Mr. JOHNSON], who has been my dear friend since I came to the Senate and who will remain my friend regardless of the outcome of the resolution and the recommendations which are being considered by this body. I have talked to him about a matter which has been batted around in the press and on the floor of the Senate.

I have shown him a letter which he wrote on the 28th day of August 1954.

Before reading the letter I wish to invite the attention of the Senate to the fact that on page 58, paragraph 2, of the report on the resolution of censure, there is a conclusion of the select committee, as follows:

There is no evidence that General Zwicker was intentionally irritating, evasive, or arrogant.

Let me say, Mr. President, before I read the letter, that the Senator against whom a resolution of censure has been filed has no knowledge whatsoever of the existence of this letter. I am doing this in fairness to my distinguished friend from Colorado, to indicate that there will be no mousetrapping or embarrassment to him. I am certain that he will reply in due time. I now read:

SEPTEMBER 28, 1954.

DEAR DAVID: To the extent that Senator McCARTHY opposes our policy of trying to run the world, manage its economic and military and political affairs, and support lavishly European politicians with American dollars who are here today and gone tomorrow—

The PRESIDING OFFICER. The Chair would call the attention of the Senator from Idaho to the fact that we are operating under the 2-minute rule, and that his time has expired.

Mr. WELKER. Mr. President, I ask unanimous consent that I may have an additional 2 minutes to complete the reading of the letter, and then I must insist that I be given sufficient time within which to reply to the questions which may be asked me.

The PRESIDING OFFICER. If the request of the Senator from Idaho is granted, the Senator from Colorado [Mr. JOHNSON] will have a right to proceed under the 2-minute rule, and if further time is needed, he may ask further unanimous consent.

Mr. JOHNSON of Colorado. Mr. President, I ask unanimous consent that both the Senator from Idaho and I be given time.

Mr. WELKER. I think it is only fair and honorable that the distinguished Senator from Colorado be granted that right.

Mr. KNOWLAND. Mr. President, I have long been told that under the traditions of the Senate, the Senate can do anything it wishes to do by unanimous consent. So there will be no problem raised, following the remarks of the Senator from Idaho, with reference to the Senator from Colorado being given time to respond. I think all Members of the Senate would want the Senator from

Colorado to have adequate time, and if it should take 2 or 5 or more minutes, he should have sufficient time to respond. While I think we could have achieved the same result by the distinguished Senator from Idaho waiting until the morning hour had been concluded, I ask unanimous consent that the Senator from Colorado have the floor immediately following the remarks of the Senator from Idaho.

Mr. WELKER. Mr. President, the reason why I did not wait until the conclusion of the morning hour is that I knew the distinguished Senator from Mississippi [Mr. STENNIS] has a lengthy speech and he does not wish to be interrupted.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Mr. WELKER. Mr. President, I resume reading the letter:

To the extent that Senator McCARTHY opposes our policy of trying to run the world, manage its economic and military and political affairs, and support lavishly European politicians with American dollars who are here today and gone tomorrow, I am back of him. I am a card-carrying American and make no apologies for it any place at any time. But Senator McCARTHY is not altogether clear on these issues.

True, he has carried on a continuous fight against communism in high places and low, but in all fairness I cannot class him as a rugged individualist, or an American first. However, I must agree that communism is a type of internationalism. In the old days it was spoken of as the Internationale. Moscow is only the third headquarters of this political system. Once it was Brussels, Belgium. I must agree also that our own form of fuzzy internationalism is a "kissing cousin" of the old Internationale. I agree with you also that General Zwicker and some of the other men in uniform were evasive and resentful of having a committee of Congress make inquiries into military matters. The military has the feeling that Congress has no right to question them. In that attitude they are completely wrong.

Sincerely,

ED. C. JOHNSON.

Mr. JOHNSON of Colorado. Mr. President, the letter is divided into two parts. It was in reply to a letter which I had received, but I do not have before me the letter which I received. There is no question, however, that I wrote this letter and that it has been correctly quoted at this time.

The letter must be divided, however, into two parts. It is true that on August 28, 1954, I had a very strong feeling that General Zwicker had been evasive, that he had been arrogant, that he had not been entirely frank when he was being interrogated by Senator McCARTHY.

However, General Zwicker appeared before the select committee and testified at length, and I received an altogether different impression of him. I had never seen him before he appeared before the select committee. I discovered then, for the first time, that when General Zwicker had appeared before Senator McCARTHY, he was completely under wraps. Instead of being arrogant and evasive, the man was only doing his military duty in his answers to Senator McCARTHY.

Yes, Mr. President, I completely changed my mind after I heard General Zwicker testify, and after I heard Senator McCARTHY testify with regard to General Zwicker.

I wish now to quote from the hearings of the select committee. On page 505 of the hearings on Senate Resolution 301, part I, there will be found the following questions and answers. Mr. de Furia, who was assistant counsel to the select committee, asked this question:

General, did you promote Peress?

General ZWICKER. I definitely did not.

Mr. DE FURIA. Did you discharge him with an honorable discharge?

General ZWICKER. I did, sir.

Mr. DE FURIA. Was that on your own initiative or under orders, sir?

General ZWICKER. It was under orders.

Mr. DE FURIA. What kind of work was Peress doing while you were commandant at Camp Kilmer?

General ZWICKER. He was a dentist and his work was confined strictly to dentistry.

Mr. DE FURIA. Was he in what you would call a sensitive position so far as intelligence or information or classified material was concerned?

General ZWICKER. He was not.

Mr. DE FURIA. Senator ERVIN suggests that perhaps working with teeth and nerves, that made it a sensitive position.

When you learned about the Peress separation order, did you express to anyone your feelings about the merits or demerits about that separation order?

General ZWICKER. I certainly did.

Mr. DE FURIA. When you learned that Peress was going from captain to be a major, did you express your personal feelings about that?

General ZWICKER. I certainly did.

Mr. DE FURIA. And when you learned that Peress was about to be discharged with an honorable discharge, did you express your personal feelings about that?

General ZWICKER. Most emphatically.

Of course, these replies are in cold black and white, but anyone who heard General Zwicker make these replies must have been convinced, as I was convinced, that he was opposed to the promotion of Peress, that he was opposed to his receiving an honorable discharge, and that he had made his position clear to his superior officers. Perhaps I have read something between the lines in that connection; nevertheless, I was completely convinced of those facts.

General Zwicker in his appearance before our committee was very much of a gentleman all the way through. He was most courteous; he knew what he was doing; he was not evasive, except to the extent that he had to protect his testimony. After I saw that demonstration, certainly I had a change of heart with respect to General Zwicker.

I am unable to locate it now, but I have the impression that somewhere in the testimony Senator McCARTHY made the statement that he was asked some questions about the time when General Zwicker was being cross-examined, and in reply to those questions he made the statement that he was not too hard on General Zwicker; that he was not hard enough on him at the time the examination was made. Those are not the exact words, but they are to that effect.

I will admit that I have changed my mind, and the members of the select committee know that I have changed

my mind, with respect to General Zwicker and his attitude. They can tell the Senate that I changed my mind and changed my position completely with respect to General Zwicker after I had heard this direct testimony.

On the other question, with reference to the Internationale, I have made the statement over and over again, in letters to my constituents and others, that to the extent that Senator McCARTHY opposed communism, I was back of him. I know there is quite a controversy with respect to the extent of his opposition to communism. I have a great many very close friends who feel that Senator McCARTHY has never accomplished anything with respect to his fight against communism. I have other friends who think that he alerted the country and rendered the country a great service in pointing out the menace of communism, especially the menace of communism in the departments of our Government. I am not entering into the controversy with respect to the extent of his opposition to communism. I simply say that to the extent that Senator McCARTHY fought communism, I am in his corner. I say that again, and it is my position today. It has been my position right straight through.

This is the reply I desired to make to the letter referred to by the Senator from Idaho. I shall examine that letter further when I find the letter to which it was a reply.

Mr. WELKER. Mr. President, I appreciate the remarks made by my friend, the distinguished senior Senator from Colorado. When he makes his presentation to the Senate, I shall inquire of him about certain comments he made in his statement, recently completed. In order to save time and to allow my friend, the distinguished junior Senator from Mississippi [Mr. STENNIS], to proceed, I shall not ask, or attempt to ask, any further questions at this time.

RESOLUTION OF CENSURE

The PRESIDING OFFICER. If there be no further morning business, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

The Chair wishes to state that it is recognized that in the galleries there are many persons who have never before attended a session of the Senate.

The Senate has definite rules with regard to demonstrations of approval or disapproval of any statement which may be made in the course of the debate. Such demonstrations are forbidden.

Therefore, those in the galleries who are here as guests of the Senate will please abide by the rules of the Senate, and will not indicate in any way approval or disapproval of anything which may be said on the floor of the Senate. The cooperation of the occupants of the galleries will be very much appreciated.

Mr. STENNIS. Mr. President—

The PRESIDING OFFICER. The junior Senator from Mississippi.

Mr. STENNIS. Mr. President, I do not have a long speech. I do not have one which is in manuscript form. I speak as a member of the select committee, but not for the committee. I feel that each member of that committee who was, so to speak, drafted for this assignment ought on the floor of the Senate state his reasons for his position and reply to any reasonable and pertinent questions, and in that way discharge his special obligation to the Senate. I appear in that capacity willingly. I shall not yield for questions during my remarks, but, within limitations, shall yield at the conclusion thereof. I do not expect to speak at great length.

Mr. President, I may say further that this morning I expressed to his counsel a wish and hope that Senator McCARTHY would be present, just for the sake of my feeling a little better about talking about him when he was present rather than during his absence. I learned that he is not ill. It is entirely satisfactory if he chooses to attend to other matters because I appreciate that he cannot be present in the Senate all the time.

Mr. President, if I may, I should like to say a word about a Senator on the committee who in a way has been under attack. I refer to the chairman, the distinguished Senator from Utah [Mr. WATKINS]. In all my public career I have never seen a better job done in holding the scales of justice evenly balanced than has been done by the chairman of the select committee. In my estimation, I do not believe that I have ever seen the equal of the job he has done under the circumstances. He had the moral fiber, the legal training, and the sense of devotion to duty that made such a performance possible. More than that, he had a great spiritual reservoir that came to his rescue and served as a solid, strong foundation for him all the way through. I commend him, not for his conclusions, not for any ruling he made, but for the way in which he approached this matter, for his consecrated devotion to duty, and for his attitude all the way through.

I note, too, that certain members of the committee have been under special attack. I say nothing in their defense because they do not need any. However, I should like to say that during the very careful deliberations of the committee, if any Senators who have come under special attack had any leanings at all, they were leanings of great generosity toward the Senator whose conduct was being considered.

I should like to say a word with reference to our recommendations regarding changes in the rules of the Senate. I notice that aspect of the recommendations has come under criticism as being a usurpation of power by the committee. The Senate will recall that it referred to this select committee the Bush resolution, which had to do with proposed changes in the rules. It was mandatory that the committee take some action with reference to the subject matter. We have merely reported our ideas about

some changes. This important matter should be, and we assume it will be, in line with the usual procedure, referred to the Committee on Rules and Administration for proper consideration, and later on be the subject of discussion in the Senate, unless the Senate should see fit to pursue a different manner. Certainly it was not the idea of the select committee to have any rules adopted by the Senate except through its ordinary processes.

I have noticed that the report has been subjected to severe criticism with respect to some of the phrases or clauses in it. There may be in the report loosely drawn sentences, clauses, or even paragraphs. However, when the paragraphs that represent the conclusions and recommendations of the committee and the real heart of the counts are considered, I am sure Senators will realize what I mean when I say I have never known of a matter in connection with which it was so difficult to arrive at the most appropriate language; but in the committee each word was carefully considered and weighed, with great leniency toward Senator McCARTHY. The members of the committee carefully thought out the meaning and possible implications of the language. The serious part, the concluding part, of the report was most carefully weighed and contains language which was deliberately arrived at after hours, days, and nights of the most careful and painstaking consideration.

Mr. President, I propose to outline in particular some of the facts and the high points of the facts on which charge No. 1 was based. I shall not go into detail as much as I otherwise would do, since the Senator from South Dakota [Mr. CASE] has made an excellent statement of those facts.

The charge originates because of what occurred before a subcommittee of the Committee on Rules and Administration, the Subcommittee on Privileges and Elections. I was once a member of that subcommittee. The matter originated as a result of events occurring in Maryland in connection with the election of Senator JOHN MARSHALL BUTLER. I was on that subcommittee when that election took place, and I was on it after the Senator from Maryland was elected. I was on it when persons seriously said the Senator from Maryland [Mr. BUTLER] should not be seated. I was the first one to announce that it would take a strong set of facts to lead me to vote, and that I would be very, very slow in voting, against seating a Senator whom a majority of the people of his State had chosen to represent them in this body, unless there was overwhelming proof of fraud that would have changed the result of that election. So I am familiar with the problems arising in the investigation of an election.

I think, however, in this case, that charge does not touch, topside or bottom, anything having to do with Senator BUTLER's election. It does not touch, topside or bottom, the question of Communists in our Government. That matter has nothing to do with the issue now before the Senate.

I personally think that Senator McCARTHY has done some very good and very effective work on this perplexing problem; but, Mr. President, there have been others who have done good work on this very problem. I think of the man who is now the Vice President of the United States, who was once a member of the House Committee on Un-American Activities; I think of the senior Senator from South Dakota [Mr. MUNDT]; and I could name many others. I do not know of a single one of those persons who, when called upon before the public for an explanation concerning some of their affairs or some of the things they have done, has said, "Oh, I am fighting communism. You must not touch me or call on me for an explanation." The very opposite was done by the Vice President, and a frank, forthright, full explanation was made of what the facts were, so the people could judge for themselves. They fully accepted the explanation freely given. But I commend Senator McCARTHY for what I consider some good work in investigating Communists.

I remember that when the Tydings report was submitted, so far as I know, I was the first one to raise points in criticism of that report, in that it went more to a criticism of Senator McCARTHY, who was a witness, than it did to the question of the situation in the State Department. Now I find the Senate is faced with the same problem with reference to an explanation of a Senator's conduct. The question goes beyond the abuse of witnesses. It seems to me that there should yet be a clear-cut, forthright, upright, and full explanation of the facts by Senator McCARTHY as to matters before the Gillette subcommittee.

So I commend the junior Senator from Wisconsin for what good he has done. But the fact that he has done good work in that mission of the Senate does not give him license to destroy other processes of the Senate or destroy its Members.

The offense here, as I see it, is not merely the remarks about the subcommittee or its members; but the offense lies in the low standards of senatorial conduct which there would be a tendency to establish if those remarks and that conduct eventually were to find their way into the accepted channels of conduct for this great institution, the Senate of the United States, which is a time-tried, time-tested institution of free government. That is what concerns me about this matter.

I am not willing to submit to the standards, Mr. President, that we found in this evidence, as set forth in charge No. 1; I am not willing to do so as an individual, and I am not willing to do so as a Member of the Senate.

I wish to say that this whole charge is not a legal charge for contempt of the Senate subcommittee. If the standards are such that we must track down a Member and serve upon him a subpoena—a subpoena meaning that one must answer under penalty of the law—if we must serve upon him a subpoena to appear at an exact place, on an exact date, and at an exact time, then there is no case

here, based upon that concept, at all. This charge is really one relating to moral contempt on a set of facts that, in effect, obstructed the processes of the Senate. The Gillette-Hennings subcommittee was unable to get an answer, and was unable to get an explanation.

Something has been said about the statute of limitations. I mention it merely in passing. It has been suggested that all this transpired in the 82d Congress, and therefore it does not properly come within the jurisdiction of the 83d Congress. Mr. President, the Senate has continued; the junior Senator from Wisconsin [Mr. McCARTHY] has continued here as a Member; those charges have continued. In my view of them, they are not answered yet. The attitude continues down to this very day. If I have ever seen a continuing matter, extending from year to year and from session to session, the one before us is of that sort.

Let us remember that the person involved is not an ordinary nor just an average citizen; he is not a man unversed in the affairs of life or the affairs of government. He is a Member of the United States Senate, a man who has been a judge in his home State; and so far as I know, he made a good record there.

I wish to say that JOE McCARTHY to me has been a most genial Member of this body. I shall never forget the reception he gave me a few years ago when I came to the Senate and the kind friendliness which existed between us and, so far as I know, exists now. But I was not passing on an ordinary person, an average individual. On the contrary, I was passing on a Member of the Senate; and more than that, a member of the Committee on Rules and Administration itself; and more than that, a member of the Committee on Government Operations; and more than that, the chairman of the Committee on Government Operations and the chairman of its subcommittee dealing with special investigations. In other words, he is a Member of the Senate whom the Senate has clothed with authority to represent the Senate. The Senate had vouched for him before the people of the United States. He had the senatorial seal or stamp of approval upon him as he went about some of these matters, although not all of them.

But, as I say, it was a continuing matter and a continuing attitude. That is the weighty part of this case that bore down so hard on my mind, and made inescapable the conclusion that this was a course of conduct that must—the challenge having been made and the issue having been drawn—be considered by the Senate, for the Senate has no course other than to put either its approval or disapproval upon it; and a major part of the facts in the case are not disputed.

Mr. President, what is the question here? It is purely a question of political morality in Senatorial conduct. To be more precise, the question is whether I, as a Senator, approve or disapprove of these proven acts as proper standards of Senatorial conduct. Each Senator must make up his own mind about what are the proper standards; but, as Senators, let us remember that it is not as

individuals that we are to make up our minds in this case. We are to make them up as representatives of the 161 million people of the United States; we are setting standards of conduct for a time-proven and time-tested institution which belongs to the people—the United States Senate.

As I have said, these facts originate from the proceedings of a subcommittee. I shall be very brief in referring to them. The facts go back to August 6, 1951, when a resolution was submitted. It did seek the expulsion of the junior Senator from Wisconsin. As I have said, I would be slow to vote to expel any Member of the Senate. But we must consider these matters with a view to ascertaining the facts. I shall not read all of the resolution; but, after reciting certain items, it reads:

And such investigation with respect to his other acts since his election to the Senate.

That is one of the basic foundation rocks upon which the subcommittee was acting, and it was acting only after the matter had been referred to it by the Senate. That, in turn, was questioned; and I think the junior Senator from Wisconsin had the right to question the jurisdiction and the authority of the subcommittee. That was the proper way to proceed. It was eventually questioned here on the floor of the Senate. But before that, what did the subcommittee meet with as it tried to go about its duties? It met with abuse on top of abuse, and insult on top of insult. However, I would forgive the junior Senator from Wisconsin for that because he did challenge the jurisdiction of the subcommittee; and that challenge came to the floor of the Senate, and did so rather rapidly. He questioned not only the jurisdiction but the integrity of its members, challenging them through his letters of abuse, and otherwise.

The resolution itself was finally submitted, as I recall, by the senior Senator from Arizona [Mr. HAYDEN], then chairman of the Committee on Rules and Administration, or it may have been submitted by the chairman of the subcommittee; and that issue was squarely presented on the floor of the Senate. At any rate, it came to the floor of the Senate as Senate Resolution 300.

Let me refer now, Mr. President, to page 31 of the hearings; and I think this is a most material point in connection with the consideration of this matter. I read now from Senate Resolution 300, of the 82d Congress, 2d session:

IN THE SENATE OF THE UNITED STATES,

April 8 (legislative day, April 2), 1952.

Mr. HAYDEN (for himself, Mr. GILLETTE, Mr. MONRONEY, Mr. HENNINGS, and Mr. HENDRICKSON) submitted the following resolution, which was ordered to lie over under the rule:

"RESOLUTION

"Whereas by letter dated March 21, 1952, the Senator from Wisconsin [Mr. McCARTHY] in effect declined to take the action called for by the above-stated motion, repeating his charge that the subcommittee has been guilty of 'a completely dishonest handling of taxpayers' money,' referring to a preliminary and confidential report of its staff as

'scurrilous' and consisting of 'cleverly twisted and distorted facts'":

Now, therefore, to determine the proper jurisdiction of the Committee on Rules and Administration and to express the confidence of the Senate in its committee—

I emphasize, Mr. President, the words "the confidence of the Senate in its committee"—

in their consideration of Senate Resolution 187, it being understood that the following motion is made solely for this test and that the adoption of the resolution is opposed by the Members on whose behalf it is submitted, be it

"Resolved, That the Committee on Rules and Administration be, and it hereby is, discharged from the further consideration of Senate Resolution 187."

That was the issue before the Senate. It is plain, simple, and clear. The question was whether or not the subcommittee was acting within its jurisdiction, and whether or not, based upon the facts, the Senate had confidence in the integrity of the Members and their methods.

What was the vote on that resolution? By a vote of 60 to 0 the resolution failed of adoption. There was a unanimous negative vote, affirming the jurisdiction of the committee—and many of these facts had already happened—and the integrity of its Members, both as to methods and as to procedure.

I was very much impressed by that fact. That brings us down to date. We certainly have a new start. I think, in fairness to Senator McCARTHY, it ought to be pointed out that, by indirection, he voted against the resolution. He sided with the 60 others by announcing his position on the floor. At the same time, he knew what the issues were, because in a letter to Senator HAYDEN, which is in the record, he says, in effect, "You say that this resolution is being presented to test the integrity of the Members and the jurisdiction of the committee." So there is no dispute as to the facts. The issue is clear. The facts are clear, and the results are overwhelming.

What should we expect after this new start? Certainly there is a new beginning for the subcommittee. The new start wiped the slate clean, by a unanimous vote. What have we a right to expect? I think it is not unfair to the junior Senator from Wisconsin to say, "Everything has been cleared, and you must go along with this committee and its investigation."

What did the Senate get? Not cooperation; not a reasonable approach of any kind, as I see it. What came from the man now being investigated? Abuse, insults, more abuse, and more insults. I say that there is a pattern. It is unmistakable. There is no way to avoid that conclusion. There is a continuation of the abuse. Members of the committee are called pickpockets who are taking the taxpayers' money. They are called dishonest. The statement is made that there is no possibility of an honest report. Moreover, when the report was finally filed, in a press conference as well as by telephone—not here on the floor of the Senate—the junior Senator from Wisconsin referred to one of the

members of that committee as "a living miracle, a man without brains or guts."

This is not merely a question of an attack upon a member of the committee. I would not pass it by if it were. But that is not all it was. As I recall, I am the member of the committee who said that the remarks of the junior Senator from Wisconsin with reference to Senator HENDRICKSON belong in the category relating to the treatment of the committee, because the Senator from New Jersey was a member of that committee, and the insult to him was not merely an insult to an individual. It was an insult to the constituted authority of the Senate, which was carrying out a constitutional mission. Moreover, there was an insult to a constitutional authority, the personnel of which had recently been expressly approved, including Senator HENDRICKSON, by a unanimous vote of the Senate.

Is it a sufficient answer to say, "Joe has done some good in hunting Communists"? Shall we destroy what have been considered the necessary processes in carrying out one mission because a man has done good in another field, on another mission? I cannot assent to such an argument.

In view of the facts which I have related, do Senators believe that the mission of the subcommittee was obstructed? Do Senators think there was an obstruction of justice? Of course, they do. There is no way to avoid such a conclusion. That is the final reason why I say there is no escape from an affirmative charge. Such conduct must be condemned. Otherwise, when challenge is made of these facts, and we fail to disapprove them, we adopt them as a standard. Let us be clear. Let us tell the youth of this country, "This is the way. This is the high road of which the Senate approves, and upon which it likes to travel in the consideration of public business." That is the conclusion of this member of the committee.

That is not all. After the report was filed and the subject set for special consideration by the Senate, and after the Senate had reassembled, the first words to be uttered on the floor by this same source of conduct were a continuation of the slush and the slime which have been poured on other committees which were charged with the duty of trying to look into the conduct. I have no personal resentment toward the junior Senator from Wisconsin for having made such statements. I feel sorry for him for having done so. I refer to Senator McCARTHY's speech which was not delivered on the floor, but released to the press and inserted in the CONGRESSIONAL RECORD on the first day of the debate. It represented a continuation of the same pattern, his same course of conduct. It is another spot on the escutcheon of the Senate, another splash and splatter.

Every Senator must decide this case for himself. As for the Senator from Mississippi, I cannot approve such slush and slime as a proper standard of senatorial conduct as we labor to carry on and transact the business of the people. For that reason, and that reason alone, I state my position here.

I repeat that the question before the Senate is not a question of fact. The facts are agreed upon. The question is not, "Do we approve or disapprove of everything that was done or everything that was said by every Member of the committee at every turn throughout these proceedings?" The question is one purely of political morality in senatorial conduct. To be precise, the question is, "As a Senator, and not merely as an individual, do I approve or do I disapprove of these proven facts as proper standards of senatorial conduct?"

If we approve, then something big and fine will have gone from this Chamber, and something wrong, something representing a wrong course, will have entered and gotten itself accepted as a proper standard of conduct.

As we consider that question, I hope that in some way each Senator will seek and finally find divine guidance in deciding what his duty is, and, from the same source, find help and encouragement in performing that duty.

Mr. President, I yield the floor.

Mr. KNOWLAND. Mr. President, as previously announced, at 2 o'clock this afternoon the Premier of Japan will visit the Senate Chamber. I have requested that all Senators return to the Chamber promptly at 2 o'clock, so that we may have the opportunity to meet the distinguished visitor. For that reason I am about to move that the Senate stand in recess until the hour of 2 o'clock p. m. today.

Mr. WELKER. Mr. President, for the sake of continuity, following the formal exercises this afternoon, would it be possible for me to interrogate my friend, the distinguished former jurist of Mississippi and great lawyer from the State of Mississippi? I wonder whether I could have that privilege.

Mr. STENNIS. So far as I am concerned, I shall be glad to submit to reasonable questioning from any source. I believe that to be my duty. However, I do not wish to submit myself to prolonged questioning or involved speeches. I shall make my answers brief. If I can not answer a question in that pattern, I shall be glad to answer it later.

Mr. WELKER. I assure my friend from Mississippi that my questions will be right to the point, and will not be speeches.

RECESS

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess until 2 o'clock p. m.

The motion was agreed to; and (at 12 o'clock and 31 minutes p. m.) the Senate took a recess until 2 o'clock p. m.

On the expiration of the recess, the Senate reassembled, and was called to order by the President pro tempore.

ATTENDANCE OF SENATORS AT MEETINGS OF THE JOINT COMMITTEE ON ATOMIC ENERGY

Mr. KNOWLAND. Mr. President, in a short while the Prime Minister of Japan will visit the Senate, but he has been slightly delayed. In the meantime

I should like to state that a number of the members of the Joint Committee on Atomic Energy have been meeting rather continuously during the period of time the Senate has been in its present session, looking after joint committee responsibilities. The Senators include the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Ohio [Mr. BRICKER], the Senator from New Mexico [Mr. ANDERSON], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Tennessee [Mr. GORE]. On several occasions I have been present during the committee meetings. The Senators have been attending the committee sessions in conformity with their duties as members of the Joint Committee on Atomic Energy. I think, for the sake of the RECORD, that fact should be made clear.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the distinguished minority leader.

Mr. JOHNSON of Texas. I wish to join in what the distinguished majority leader has said. I was just reading the comments made by the junior Senator from Wisconsin [Mr. McCARTHY] on yesterday with regard to a jury whose duty required it to hear a case, but which might be downtown somewhere. I share the view of the junior Senator from Wisconsin that every Member of the Senate ought to be in the Senate when the pending resolution is being discussed. I felt that the majority leader, if he did not share that opinion, was certainly sympathetic with it. I do not know how we are going to be able to defend ourselves from the very natural charge made to the public by individual Senators that we are absent from the Senate, if sessions of a committee are to be held while the Senate is in session, even if they are meetings of the Joint Committee on Atomic Energy. So I want to raise the question with the majority leader, and ascertain whether it is essential that the joint committee meet during the sessions of the Senate, or if it cannot be arranged that such joint committee meetings be held after the Senate has concluded its deliberations on the question at issue, or during someday in the week set aside for that purpose.

Mr. KNOWLAND. Mr. President, I wish to say to the minority leader that, even in the case of the Joint Committee on Atomic Energy, while it may not be subject to the same control of the Senate as would a Senate committee, I hope that the committee may find it possible to avoid meeting while the Senate is in session, by meeting on Saturday, when there is no session of the Senate. Now that it has been announced that the Senate will not convene next week until 11 o'clock in the morning, it might be possible for the joint committee to arrange to hold its hearings from 9 until 11 o'clock in the morning, so that they would not interfere with the sessions of the Senate. In fairness to the Senator from Iowa, the Senator from New Mexico, the Senator from Ohio, the Senator from Rhode Island, the Senator from Tennessee, and other Senators, who have felt they had a dual responsibility, I

thought the statement I have made should be made, and I made it for that purpose.

Mr. JOHNSON of Texas. Mr. President, I deeply appreciate the majority leader's usual sense of fairness. I wish to appeal to him to urge the chairman of the Joint Committee on Atomic Energy to make some arrangement for meetings of the committee which will not conflict with sessions of the Senate.

Mr. KNOWLAND. I have already expressed myself to that effect. In view of the fact that the Senate will not have a Saturday session tomorrow, and in view of the fact that the sessions will convene at 11 o'clock each morning next week, I ask the several members of the joint committee if they will arrange to have the committee meetings either before or after the Senate has its sessions.

Mr. JOHNSON of Texas. Mr. President, we know we have no more serious-minded Senators than those who make up the membership on the part of the Senate of the Joint Committee on Atomic Energy. They are diligent and conscientious, and they have met regarding an extremely important matter. Yet I know how their constituents must feel when they learn they are not present during the sessions of the Senate, when a statement is made such as was made yesterday on the floor of the Senate by the junior Senator from Wisconsin as appears on page 15964 of the RECORD:

If I were a judge, as I once was, and three-fourths of the jurors in a case went downtown and did not listen to the evidence in a case, I would immediately declare a mistrial.

Therefore I should like to urge, after the quorum call is made, that Senators take their duties seriously and sit and listen to the arguments, such as we have just heard made by the Senator from South Dakota.

I can appreciate the desire of the junior Senator from Wisconsin to have Senators present. On the other hand, I do not desire to have the impression left with American citizens that Senators have been downtown and are unwilling to listen to the debates, when they are present here in the Capitol on an important matter such as a meeting of the Joint Committee on Atomic Energy.

Mr. KNOWLAND. Knowing all the Senators, both Republicans and Democrats, on the joint committee, I am certain, even though they have been engaged in very important hearings, they have had made available to them the verbatim debates in the Senate, and the discussions concerning the question in issue, and the RECORD is such that I am sure Senators will go over it before making any final judgment in the case.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield to the Senator from New Mexico.

Mr. ANDERSON. I wish to assure both the majority and the minority leaders that the statements they have just made are very kind and thoughtful, and I appreciate them very much. This morning a matter came up in the joint committee dealing with the cancellation clause in the Dixon-Yates contract. We were in some doubt about it, and the

very able Senator from Ohio [Mr. BRICKER], because of his legal experience, was able to straighten me out, at least, and I think other Members. I think, therefore, his attendance in the committee this morning was not only required, but amply justified. I appreciate the statement that the failure of members of the joint committee to attend sessions of the Senate, is not by desire, but because of very pressing business pending before that committee.

VISIT TO THE SENATE BY HIS EXCELLENCY HON. SHIGERU YOSHIDA, PRIME MINISTER OF JAPAN

The VICE PRESIDENT. The Chair has learned that a distinguished visitor, the Honorable Shigeru Yoshida, Premier of Japan, has just arrived in the office of the Vice President.

If it is desired to move a recess, the Chair will then appoint a committee, consisting of the majority leader, the Senator from California [Mr. KNOWLAND]; the minority leader, the Senator from Texas [Mr. JOHNSON]; the Senator from Wisconsin [Mr. WILEY]; and the Senator from Rhode Island [Mr. GREEN] to escort the distinguished visitor into the Senate Chamber, so the Members of the Senate may have an opportunity to meet him.

Mr. KNOWLAND. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and (at 2 o'clock and 8 minutes p. m.) the Senate took a recess, subject to the call of the Chair.

The Senate being in recess, at 2 o'clock and 10 minutes p. m., His Excellency Shigeru Yoshida, Prime Minister of Japan, escorted by the committee appointed by the Vice President, consisting of Mr. KNOWLAND, Mr. JOHNSON of Texas, Mr. WILEY, and Mr. GREEN, entered the Chamber and took the place assigned him on the rostrum in front of the Vice President's desk.

The members of the party accompanying the Prime Minister of Japan, including Hon. Takakichi Aso, member of the House of Representatives of Japan, and Hon. Shigenobu Shima, Minister Plenipotentiary of Japan to the United States, entered the Chamber and were escorted to the seats assigned them to the left of the Vice President's desk.

The VICE PRESIDENT. It is a high honor and privilege to present to the Members of the United States Senate a man who has headed the Government of the Empire of Japan through a difficult period of years, from 1947 to 1954. He is one of the great leaders of the free world. He has been a great friend of the United States and the cause of freedom. It is our privilege to hear from him now.

I present the Prime Minister of Japan, Mr. Yoshida.

[Applause, Senators rising.]

Prime Minister YOSHIDA. Mr. Vice President and Members of the Senate, I thank you very much for your kind words of welcome and warm expressions of friendship.

I reciprocate heartily the good will you have shown me and your friendship for the people of my country.

May I assure you that I have had a most instructive and fruitful visit in your great country. Wherever I have gone I have been received with hospitality and kindness—true and sincere.

I shall carry back with me to Japan many happy recollections of a visit well spent. I shall return to my country encouraged and with greater confidence that America and Japan will continue to march forward together in friendship and cooperation in the cause of peace, security, and a better world. [Applause, Senators rising.]

The VICE PRESIDENT. The majority leader of the Senate, the Senator from California [Mr. KNOWLAND], would like to respond to the remarks of the Prime Minister; and thereafter there will also be a response by the minority leader of the Senate, the Senator from Texas [Mr. JOHNSON].

Mr. KNOWLAND and Mr. JOHNSON of Texas then advanced to the rostrum in front of the Vice President's desk.

Mr. KNOWLAND. Mr. President, Mr. Prime Minister, and Members of the Senate: As the majority leader of the Senate, I desire to join in extending to you a most hearty welcome to the Senate of the United States. Every Member of this body, regardless of whether he sits on the Republican side of the aisle or the Democratic side of the aisle, recognizes the great service you have rendered to your country and to the cause of free institutions in your vast area of the world. We have a deep desire, a desire which I know is entertained by you and all the other people of the Empire of Japan, to have friendly relations across the Pacific, a hands-across-the-Pacific policy, I might call it. We recognize that if we are to maintain a free world of free men, it will be necessary for the governments which believe in human freedom, and which recognize the dangers of aggression from nations which do not believe in freedom, to stand together in the hope that for ourselves and for our children we may have a more peaceful and a better way of life. [Applause.]

Mr. JOHNSON of Texas. Mr. President, Mr. Prime Minister, my colleagues in the Senate, it is a very high honor and privilege to welcome the head of a great Asiatic nation to the Senate of the United States. All Americans are deeply conscious, Mr. Prime Minister, of the very vital role your country is playing in the affairs of the world of today. Japan is one of the great bulwarks against the spread of Communist aggression. Not only are we proud and pleased that you should come among us, but we hope that as a result of your visit, the free world will be stronger. [Applause.]

The VICE PRESIDENT. At this time, the Chair is sure that the Members of the Senate would like to meet the Prime Minister; and the recess will continue for that purpose.

Prime Minister Yoshida then took his place on the floor of the Senate, in front of the rostrum, and was greeted by the Members of the Senate, after which the Prime Minister and the distinguished

visitors and guests retired from the Chamber.

At 2 o'clock and 22 minutes p. m. the Senate assembled, when called to order by the Presiding Officer (Mr. BARRETT in the chair).

RESOLUTION OF CENSURE

The Senate resumed the consideration of the resolution (S. 301) to censure the junior Senator from Wisconsin.

Mr. KNOWLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Abel	Frear	Mansfield
Aiken	Fulbright	Martin
Anderson	Gillette	McCarthy
Barrett	Goldwater	McClellan
Beall	Gore	Monroney
Bennett	Green	Morse
Bricker	Hayden	Mundt
Bridges	Hendrickson	Murray
Brown	Hennings	Neely
Bush	Hickenlooper	Pastore
Byrd	Hill	Payne
Capehart	Holland	Potter
Carlson	Hruska	Purtell
Case	Humphrey	Russell
Chavez	Ives	Saltonstall
Clements	Jackson	Schoeppel
Cooper	Jenner	Smith, Maine
Cotton	Johnson, Colo.	Smith, N. J.
Crippa	Johnson, Tex.	Sparkman
Daniel, S. C.	Johnston, S. C.	Stennis
Dirksen	Kefauver	Symington
Douglas	Kilgore	Thye
Duff	Knowland	Watkins
Dworshak	Kuchel	Welker
Eastland	Langer	Wiley
Ellender	Lehman	Williams
Ervin	Lennon	Young
Ferguson	Magnuson	
Flanders	Malone	

The PRESIDING OFFICER. A quorum is present.

Mr. WELKER. Mr. President, I should like to pay my respects to the members of the select committee. In addressing my inquiries to the distinguished Senator from Mississippi, I should like to state that I class him as one of the great Senators. He was a distinguished jurist before he came to the Senate, and he is an able lawyer and a leading and outstanding Senator.

Mr. STENNIS. I thank the Senator from Idaho.

Mr. WELKER. I should like to ask the Senator from Mississippi this question: Did he consider the select committee to be a judicial or a quasi-judicial body when it entered upon its unpleasant and difficult task?

Mr. STENNIS. Mr. President, I think the committee report speaks for itself on that point. I do not believe it was a judicial process or a quasi-judicial process either, exactly. We did adopt, however, certain fundamental plans, which would tend to confine the hearings within the limits of what we understood was to be the scope of our inquiry. We interpreted judicial rules liberally. We took the rules of evidence and the rules of relevancy as to the admissibility of evidence as a general guide, with the understanding that we would not follow them technically or strictly, but as a general guide.

In my opinion, the chairman of the select committee did an excellent job in following out that principle. I approved

of his rulings then, and I approve of them now. I felt free at that time, and it was my duty at that time to object to any rulings with which I did not agree.

Mr. WELKER. I am certainly not unmindful of the fact that that would be the attitude of my distinguished friend from Mississippi. It is true, is it not, that the Senator from Mississippi has had many years of experience on the trial bench?

Mr. STENNIS. Yes; I was the trial judge of the circuit court for 11 years before I came to the Senate.

Mr. WELKER. If the Senator will further yield, I should like to ask him whether he was present when the distinguished junior Senator from Texas [Mr. DANIEL], the former great attorney general of that State, presented to the Senate his legal argument, on July 30, 1954, I believe, to the effect that a proceeding of this type was a judicial process and amounted, in fact, to a punishment for a crime?

Mr. STENNIS. I heard all or a major part of the argument made by the Senator from Texas. I also discussed the subject with him. He and I are in general agreement about the effect of the proceeding and the extent to which it is a punishment of a kind.

Mr. WELKER. Did the committee presume the junior Senator from Wisconsin to be innocent until proven guilty beyond a reasonable doubt to a moral certainty?

Mr. STENNIS. I certainly did presume him to be innocent of any wrongdoing until convinced otherwise beyond a reasonable doubt and to a moral certainty. I certainly would have to be convinced otherwise before I would vote to sustain any charge against him. More than that, if there had been any reasonable and decent way to avoid preferring these charges, I would have sought it and more or less did seek it, not because of any feeling of liberality toward the junior Senator from Wisconsin, necessarily, but because the Senate as a whole is involved and a Senator's conduct is involved. I do not relish the idea of a Senator being reprimanded. If there had been any way out, I would have gladly helped find it. I felt that way then, and I feel that way now.

Mr. WELKER. Did the distinguished Senator from Mississippi consider himself a quasi-juror in trying the facts in this case?

Mr. STENNIS. Quasi-juror is a rather vague term.

Mr. WELKER. I cannot very well call the Senator a juror.

Mr. STENNIS. I understand what the Senator means, I believe. I considered myself more as a special investigator for the Senate, under my oath of office as a Senator, to try to find the major pertinent facts and to weigh them as best I could and to make a report on my findings to the Senate concerning the charges which had been made.

That does not square exactly with my idea of a juror. However, impartiality, the presumption of innocence being in favor of the one who is charged with wrongdoing, and all the other safeguards applied, and I tried to apply them.

So far as being a juror is concerned, I can say that I went into the hearing with the definite impression that the so-called Zwicker case was not a matter upon which censure should be based. However, after going into the facts—and I will discuss them later—and understanding what the development was, and the disclosures which General Zwicker had made, and the limitations under which the General was testifying, the case had another meaning to me altogether, and I was led to a different conclusion.

Mr. WELKER. The Senator realizes it to be a fact, does he not, that in the course of an orderly procedure a man who is charged with any offense, punishable even in a justice court, is entitled to the right of trial by a fair and impartial jury?

Mr. STENNIS. That is true in the judicial branch of the Government, and that principle applies, yes, without any exception.

Mr. WELKER. I take it that that principle does not apply, in the Senator's opinion, in the Senate of the United States; that we are in a little glass cage here. Is that correct?

Mr. STENNIS. The same general principles of justice do apply. However, the Constitution has provided a special court, so to speak, for the hearing of matters concerning disorderly behavior or conduct by a Member of the Senate. That court is the Senate itself. A Member of the Senate, who is a rank partisan of an accused Senator and who believes him to be right, first, last, and always, is entitled to a vote in the Senate. Likewise, a Senator who may have a prejudgment the other way is, nevertheless, entitled to a vote, so far as the final vote is concerned. There is no unanimity required, of course; and in that respect the Senate is different from a jury.

Mr. WELKER. I ask if it is not a fact that it is a little bit rough upon a man who is before the bar of justice, whether it be in the Senate or in any other place, when he does not have a right to interrogate and use a challenge with respect to one he might suppose to be biased either for or against him.

Mr. STENNIS. With respect to the Senator's term, "a little bit rough," I prefer to get down to cases.

Mr. WELKER. Perhaps I should say "a little difficult." Let us put it that way.

Mr. STENNIS. I would rather discuss it based on cases. The point was made with reference to the Senator from Colorado [Mr. JOHNSON] being a member of the select committee in view of a statement made in the Denver Post. If I had not felt completely satisfied with his disclosures about it, and with his statement about it, and had not been completely satisfied of his character and standards, I would have asked him to resign or step aside; and if he had not, I would have considered stepping aside, myself. But after hearing him make a full disclosure, and knowing him, I felt duly satisfied.

During our deliberations, his great liberality toward the junior Senator from Wisconsin, his very grave approach to

the subject, in the first place, his fine analysis of the facts, his efforts to seek a way to interpret facts favorably to the Senator from Wisconsin, and his overall deep concern that no charge be made except upon complete facts, fully convinced me of the correctness of my judgment.

Mr. WELKER. Based upon the Senator's experience as a trial lawyer, had he had the evidence of the press-release by the Denver Post before him, I will ask if he were proceeding in a court of ordinary justice, outside or inside the United States, he would have used at least a peremptory challenge?

Mr. STENNIS. No; I certainly would not say that.

Mr. WELKER. If the Senator were defending a man charged with murder or some other vicious offense, does the Senator mean he would permit to sit on the jury, without question, one who had written such a letter as that?

Mr. STENNIS. Let us have an understanding, first. When I undertake to answer the Senator's questions I ask that I be permitted to finish.

Mr. WELKER. Certainly.

Mr. STENNIS. The Senator was talking, in the first place, about the judicial system. I would not be called on to exercise a challenge in that way. I would advise with my client, and if I knew the character of the man involved, and he knew it, I would advise him to look more at the character of the man rather than at some side statement the man may have made when the question was not at issue. I know that in Mississippi the law provides that a man may be a competent juror, under our judicial system, even though he has formed or expressed an opinion, if he swears in open court that he can lay his opinion aside and that he will do so and will try the case according to the law and the evidence. If the court is convinced of these facts, then he is a competent juror. It is up to the defendant to decide whether or not he shall be retained on the jury. That question is based somewhat upon the man's character.

Mr. WELKER. What I am trying to get at, and it has taken a long time, is that the man before the bar of justice of the Senate was not given the right to challenge a juror.

Mr. STENNIS. I do not think that is a correct statement of fact. As I understand—

Mr. WELKER. By "challenge" I mean requesting that he be excused from the panel.

Mr. STENNIS. As I understand the facts, the junior Senator from Wisconsin or his attorney never did challenge the right of the Senator from Colorado to sit on the select committee nor ask him to step aside.

Mr. MCCARTHY. Mr. President, will the Senator from Mississippi yield to me at that point?

Mr. WELKER. Just a moment.

Mr. MCCARTHY. I should like to say something for the record.

Mr. STENNIS. Let the Senator from Idaho continue his questioning, and I shall yield to the junior Senator from Wisconsin in a moment.

Mr. WELKER. Is it not a fact that my friend from Utah [Mr. WATKINS] made the statement that although one of the Members could be biased that it had nothing to do, or words to that effect, with the issue involved?

Mr. STENNIS. I know the chairman made no such statement to me or in my hearing. I recall that some statement was made on television or to the press and that the Senator from Utah fully satisfied me that he did not have in mind or intend to say that a man who was biased or prejudiced or who had formed a fixed opinion should pass on the case. But the Senator from Idaho will have to ask the Senator from Utah just what he said. I did not hear him say it.

Mr. WELKER. At first the Senator was somewhat concerned with respect to the bias or prejudice—

Mr. STENNIS. No. Pardon me. Those are the words of the Senator from Idaho, not mine.

Mr. WELKER. If I misunderstood, please correct me. I thought I understood the Senator to say that after the chairman explained the matter the Senator was satisfied.

Mr. STENNIS. No. When the point was raised in an executive meeting I listened to what was being said and heard the reading of the Denver Post story, and at the same sitting I listened to what the Senator from Colorado had to say, and I was entirely satisfied with what he said.

Mr. WELKER. Did the Senator read the letter of the junior Senator from Wisconsin in explanation?

Mr. STENNIS. I read all or a part of that letter, which came some 2 weeks or more later, as I recall—10 days or 2 weeks, I read it hurriedly. I remember hearing the Senator from Colorado thanked by the junior Senator from Wisconsin for that letter.

Mr. WELKER. Is it not a fact that that letter merely emphasized to a trial attorney or to a man before a court of justice that, in fact, the trial juror or committee member, or whatever we may call him for the purpose of this discussion, was really and in fact biased?

Mr. STENNIS. The letter, of course, will speak for itself. I could not give the Senate any helpful information on that point.

Mr. WELKER. The Senator was defending the committee and is being interrogated with respect to his—

Mr. STENNIS. No; I am not defending the committee, but I emphasized this morning that I speak only for myself and as a Member of the United States Senate.

Mr. WELKER. I believe the Senator stated he was a member of an investigating staff or investigating body.

Mr. STENNIS. No; I did not say we were an investigating staff.

Mr. WELKER. I said you were an investigating body.

Mr. STENNIS. Yes; I considered it my duty, primarily, to find and try to weigh the facts and then to submit a report to the Senate. We were told to do two things: to act and to report. When the hearing was concluded, for my part it was inescapable that we should

not report merely by filing a résumé of the evidence, but that we should give our conclusions and recommendations, and we did.

Mr. WELKER. As I understand the order, the committee was ordered to seek evidence. Is that correct?

Mr. STENNIS. The wording was that we were directed to act and to report; and we were then given power to subpoena witnesses. That was the understanding. We were to get the evidence. That is correct.

Mr. WELKER. Were you not to seek the evidence?

Mr. STENNIS. Yes; we were to hear the testimony, pro and con.

Mr. WELKER. I am certain that my friend, the distinguished junior Senator from Mississippi, knows that I resigned from the Gillette subcommittee, and stated my reasons publicly in the press, to Senator GILLETTE, and to the United States Senate on August 2, 1954. Does the Senator from Mississippi feel that the committee sought the full evidence on the Gillette subcommittee matter, when I was not even invited to appear before the select committee and to explain to it why I resigned?

Mr. STENNIS. So far as the Senator from Idaho being invited is concerned, anyone who wanted to appear, could have appeared. I knew that the Senator from Idaho had resigned. I knew that the Senator had said, in substance, that the subcommittee had been unfair to Senator McCARTHY, was not proceeding in the right way, and so forth. That made some impression upon me and carried some weight with me; but certainly it was not something which I considered to be controlling.

Mr. WELKER. I am convinced of that. It was not so weighty or controlling that the committee was expecting me. As the Senator remarked in his statement, had I wanted to appear, I could have appeared.

Does the Senator from Mississippi realize that I was almost 3,000 miles away, in the mountains, receiving a newspaper possibly once a week; and that I had no idea what the committee was investigating or whom it was interrogating? How could I have been expected voluntarily to have returned to Washington, at my own expense, without receiving an invitation?

Mr. STENNIS. I assume the Senator from Idaho was present when the resolution under which the committee was acting was agreed to. I do not remember how the Senator from Idaho voted on the resolution, or whether he voted; but I know the Senator from Idaho was very alert as to all matters that were going on. I could not help but believe that the Senator from Idaho would have wanted to appear, and to have said something about the incident to which he has alluded.

Mr. WELKER. There were some other persons who wanted to appear, whom the committee did not reluctantly hesitate to subpoena or invite to testify.

Mr. STENNIS. Will the Senator restate his question?

Mr. WELKER. I will ask the Senator from Mississippi if it is not a fact that

some other witnesses who appeared before the Senator's committee were sought out by the committee and its staff, and were invited or subpoenaed to appear and testify before the committee.

Mr. STENNIS. The committee heard many witnesses. I know nothing about any controversy of any of them testifying or not testifying.

Mr. WELKER. Once again I will ask my question, so that I may have an answer for the record. If a fair judicial process were wanted in this matter, forgetting about McCARTHY, because the future of the Senate is involved, why was I not permitted to appear, or why was I not advised as to when I should appear, so that I might give what little testimony I could for the benefit of the select committee?

Mr. STENNIS. Before I answer the Senator's question, did the Senator ever make a request to appear?

Mr. WELKER. I certainly did not. I have rarely, if ever, heard of a witness requesting to appear, when he had not heard of the time or place of the meeting, and he was 3,000 miles away. I am certain the Senator from Mississippi agrees with me on that.

Mr. STENNIS. Until the Senator had indicated in some way that he desired to appear or was willing to appear, or until someone did so for him, I do not see how the committee could have been called upon to act on such a request. I do not believe I am called upon to answer the Senator's question with all due deference to him.

Mr. WELKER. Did General Zwicker make a request to appear?

Mr. STENNIS. As I recall, he was requested to appear. I did not handle the bookkeeping part of the hearings, but I am reasonably certain that he was summoned.

Mr. WELKER. Did any other witnesses make a request to appear voluntarily?

Mr. STENNIS. Not to my knowledge, but I do not know positively.

Mr. WELKER. The Senator from Mississippi certainly does not want the record to show, does he, that I am to be criticized for having been ordered home by the physician of the United States Senate because of my health, and for not making a request to appear when I was so far away?

Mr. STENNIS. The Senator from Idaho is not being criticized, so far as I know. I certainly am not criticizing him. He is not charged with anything here, and I am certain he does not want to be. I am not charging him with anything.

Mr. WELKER. I do not know. Perhaps I will be charged with something if the pending resolution of censure is agreed to because my language with respect to the Gillette subcommittee, according to the report of the select committee, is censurable.

Mr. STENNIS. I am yielding now for questions that are pertinent; I am not yielding for argument.

Mr. President, I now desire to yield to the junior Senator from Wisconsin, if the junior Senator from Idaho will permit me to do so. I shall be glad to return

later to the questioning by the Senator from Idaho.

Mr. WELKER. Very well.

Mr. McCARTHY. I have very few questions. As I said yesterday, when I began to question the distinguished junior Senator from South Dakota [Mr. CASE], I hesitate to do so, because I can see the headlines tomorrow morning saying, "McCARTHY Attacks Senator STENNIS."

What I intend to say is not even remotely in the nature of an attack. I think the Senate has an extremely important issue to decide, one which, as I have said before, is entirely separate and apart from McCARTHY. Incidentally, I also happen to be in this proceeding. I am in it for one reason, namely, that for some years I have been exposing Communists; otherwise, these censure hearings would not have been started. I do not believe there is any question about that in the mind of anyone. But that is neither here nor there. We are now here to discuss the issues.

Does the Senator from Mississippi feel that once a person is elected to the Senate, he loses any of his right of free speech?

Mr. STENNIS. Oh, of course not.

Mr. McCARTHY. In other words, a Senator has a right to criticize wrongdoing and improper conduct, the same as though he were not a Senator. Is that correct?

Mr. STENNIS. Instead of losing the right of free speech, I believe that when I came here as a Senator, I gained even more rights to free speech, because I have been made immune, to a certain extent. But I think that carries with it a more serious obligation on my part, as a Senator, not to abuse those rights and privileges, especially as they pertain to senatorial conduct and standards.

Mr. McCARTHY. Let us speak of a Senator's conduct outside the Chamber. There is immunity within the Chamber. There are certain rules governing our conduct within the Chamber because of that immunity.

Let us now discuss the conduct of a Senator outside the Chamber. We both agree, do we not, that a Senator has no immunity outside the Chamber?

Mr. STENNIS. I think a Senator has an obligation wherever he is, whether inside or outside the Chamber. I do not mean that his immunity is any greater outside. Perhaps legally it is more liberal inside, but he still must remember that he is a Senator, as I see it.

Mr. McCARTHY. I am asking the question in an attempt to get down to the basic facts in the case. The Senator from Mississippi and I agree that a Senator outside the chamber is subject to suits for libel and slander the same as is any other individual; that no immunity attaches to a Senator outside the Chamber or outside committee rooms.

Mr. STENNIS. That is true; yes.

Mr. McCARTHY. So the Senator from Mississippi and I agree that a Senator outside the Chamber should have the same freedom of speech as the average citizen has. Does the Senator agree to that?

Mr. STENNIS. The Senator will have to get down to cases; I do not know what he has in mind.

I said this morning that I did not condemn the remarks of the junior Senator from Wisconsin with reference to the junior Senator from New Jersey [Mr. HENDRICKSON], in connection with these charges, merely because they were from one Senator to another, but as remarks coming from the Senator from Wisconsin with reference to a duly constituted, legal, constitutional authority. The Gillette subcommittee, to an extent, was the voice of the Senate; and the Senate, to an extent, is the voice of the American State. So the criticism on the part of the junior Senator from Wisconsin in that instance, to my mind, was very near the point of revolt against authority.

Mr. McCARTHY. In other words, so that I may understand the position of the Senator from Mississippi, if the Senate is to adopt a new rule, the position of the Senator is that if one is elected to public office, he attains some sort of immunity from criticism. Is that correct?

Mr. STENNIS. No, no.

Mr. McCARTHY. Then, the Senator from New Jersey [Mr. HENDRICKSON] would be subject to criticism, whether he were or were not a Senator. Is that correct?

Mr. STENNIS. I think all criticism, or whatever one may call it, depends upon the circumstances surrounding the facts. However, as a general proposition, I tell my constituents that I will take criticism from all and abuse from none, and I stand on that.

Mr. McCARTHY. If the Senator from Mississippi is abused, what does he do? Does he ask the Senate to censure someone?

Mr. STENNIS. When I am confronted with such a situation, I shall determine my course.

Mr. McCARTHY. The Senator says he takes abuse from no one. He does not expect the Senate to censure someone who abuses him; does he? I am trying to get down to the basic question, and the Senator and I should not engage in fencing with each other. The report of the committee indicates that the Senator from Mississippi feels that a Senator does not have the right, outside of the Chamber, to say what he honestly thinks about another elected official. If that is the rule to be adopted, we should adopt it with our eyes open. I am trying to ask the Senator some questions in order to get his thought on the matter. The Senator signed this report. I assume the subject was given a great deal of thought. So, then, the question is: Does a man who is a Senator gain some immunity from criticism? Or may he resort to the courts of the land, by way of libel or slander suits, or what have you, the same as an average citizen?

Mr. STENNIS. I think the Senator's question is somewhat of an argument. It is 2 or 3 questions in 1. However, I shall try to answer it, since I wish to make my view clear. The junior Senator from Wisconsin was not present this morning to hear my argument. I am sorry about that. I asked his attorney if he were detained because of illness,

and I stated that I would rather speak in his presence than in his absence. However, without going into all that again, I merely say that the report does not, to my mind, set up the standards the Senator mentioned.

Getting down to the case in question, there was not any one particular thing the Senator said, did, or failed to do that caused me to reach the conclusion I did. Just as one spoke does not make a wheel, and the load cannot all rest on one spoke, so in the case of the junior Senator from Wisconsin, unhappily, the entire picture led me to the conclusion I reached.

Mr. McCARTHY. I am not asking the Senator what the conclusion was in this case. The Senate is asked to set up a rule which should apply not only to McCARTHY but to all the other 95 Senators for all time to come. A drastic change in the rules is sought to be made. I asked the Senator from Mississippi a simple question, and we should not fence over it. Does the Senator think, because he is elected to the Senate, that he has some immunity from criticism which he did not have as a private citizen? I am not speaking about the rules applying to conduct within the Chamber.

Mr. STENNIS. I have already tried to answer the question in the very best way I could. There are certain principles laid down in the law and certain principles resulting from customs which have become established. I do not think there is any question involved before the Senate about the Senator from New Jersey [Mr. HENDRICKSON] or any other Senator having immunity from criticism. It would be purely academic for me to try to discuss it from that angle. I have answered the question of the Senator as best I can.

Mr. McCARTHY. If that is the best way the Senator can answer it, that is that.

I am not speaking about any particular committee, but if a committee were guilty of illegal conduct, would the Senator from Mississippi say that a Senator would have the same right as a private citizen to criticize that committee?

Mr. STENNIS. I said this morning—

Mr. McCARTHY. I did not hear what the Senator said this morning. I should like to get the answer now.

Mr. STENNIS. I shall give the Senator an answer now. I stated this morning that when the Senator questioned the jurisdiction of the committee at first, that was entirely proper and right. The question of jurisdiction came to the floor of the Senate and had the attention of the membership of the Senate. In spite of all the junior Senator from Wisconsin had said about that matter, if the decision made on the floor of the Senate had been respected, I would have been in favor of forgetting what the junior Senator from Wisconsin had said. But, after the vote of 60 to 0 in the Senate, the pattern continued in the same way.

Mr. McCARTHY. Does the Senator remember the question I asked?

Mr. STENNIS. Yes, I remember the question. That is my answer.

Mr. McCARTHY. Could the Senator tell us what the question was?

Mr. STENNIS. I am confining my answer, as I told the Senator in the beginning, to the question I am trying to discuss with the Senator.

Mr. McCARTHY. I do not want to get into an argument with the Senator. I have much respect for him as a Senator.

Mr. STENNIS. I appreciate that.

Mr. McCARTHY. We have the jury sitting here now. We are asked to adopt a new rule. The Senator from Mississippi is 1 of the 6 members of the committee who are asking the Senate to adopt a new rule. I think I have a duty to question the reasons advanced for adopting the new rule. So I ask the Senator from Mississippi a question. Forget about McCARTHY now. Forget about the Gillette committee. Will the Senator do that?

Mr. STENNIS. If the Senator will ask his question, I shall try to answer it in the best way I can.

Mr. McCARTHY. Forget McCARTHY. Forget the Gillette committee. If a committee of the United States Senate were performing illegal acts, does the Senator feel that another Senator or a private citizen would have the right to criticize that committee, or should he be censured for criticizing the performance of those illegal acts?

Mr. STENNIS. The Senator used the word "criticize," which is a very broad term. I thought the Senator's criticism of that committee was out of place when he said they were picking the pockets of the American taxpayer, and that an honest report was impossible, and wrote letters to that effect. I think the Senator would have been acting properly if he had challenged the committee in a decent and in an honorable way, as a Senator should. If anything was wrong, it could have been shown. I would never approve of any such language as the junior Senator from Wisconsin used—although it would take more than one outburst of that kind to lead me to favor censuring a Senator.

Mr. McCARTHY. Let us assume for the time being that a committee was picking the pockets of the taxpayer. Does the Senator say one should be criticized for so stating? Let us forget about the Gillette committee. I am trying to keep the question within a general rule.

Mr. STENNIS. In considering this case, I cannot forget the Gillette committee, and I cannot forget anyone tied to it. I am trying to pass on this case. The term "picking the pockets" does not always have a definite meaning. It is somewhat like saying, "You are a bunch of thieves." That is what would be understood. I do not approve of such language.

Mr. McCARTHY. I am trying to get down to the question. The Senator can refuse to answer, of course.

Mr. STENNIS. No; I shall not refuse to answer.

Mr. McCARTHY. Does the Senator think that if a committee is engaged in an improper activity—let us say that it is picking the pockets of the taxpayer—a Senator would or would not be justified in so stating, or must he keep mum? In other words, I am trying to ask the Sen-

ator this question: Is there some immunity from criticism which a Senate committee has?

Mr. STENNIS. No; not by virtue of being a committee. No; there is no immunity that goes with it.

Mr. McCARTHY. Yesterday in a colloquy with the Senator from South Dakota [Mr. CASE], I called attention to the fact that the letter I wrote criticizing the subcommittee in the case of Mr. Byers was regarded by the select committee as a basis for censure. In that connection, the Senator from South Dakota [Mr. CASE] made a completely honest mistake. I read now from page 15977 of the CONGRESSIONAL RECORD for November 11, 1954:

Mr. McCARTHY. The committee has asked that I be censured for, among other things, writing a letter criticizing the Gillette subcommittee for its attempt to call a man who was committed to a home for the mentally incompetent.

Mr. CASE. I think that is putting in a conclusion that was not stated.

I now call the attention of the Senator from Mississippi to page 28 of the select committee's report in which it asks that I be censured for writing that letter. I call the Senator's attention to the ruling of the chairman of the committee, the Senator from Utah [Mr. WATKINS], who would not allow me to state the ground.

So today the Senator from Mississippi is asking the Senate to censure a Senator for criticizing a subcommittee for knowingly calling a witness who was mentally incompetent. Does the Senator from Mississippi think now, by hindsight, that the ruling that I could not show the reason why I criticized the subcommittee was an erroneous ruling; or does the Senator from Mississippi think I should have been censured, regardless of whether I had valid ground for the criticism?

Mr. STENNIS. The Senator's question has many different points. The part I think he intends to bring out is as to whether I think the ruling was a correct one.

On the basis of the facts which were before the chairman of the select committee, I think the ruling was a correct one. There is no proof, so far as I know, that the Hennings subcommittee ever took any testimony from anyone who was insane, or ever considered anything such a person said, or that there was any evidence of that sort at all in the record anywhere.

Mr. McCARTHY. Is the Senator from Mississippi aware of the fact that when I appeared before the Watkins select committee, I was asked to give the facts surrounding the letter of May 11, in which I criticized the subcommittee for attempting to call a witness known to them to be insane, and that the chairman refused to let me give the facts, and did so in these words:

I think probably that is hearsay and that it is incompetent evidence, immaterial as well, and I strike that out.

Does the Senator from Mississippi follow me?

Mr. STENNIS. Yes; I am listening.

Mr. McCARTHY. In other words, the select committee says I should be censured for criticizing the subcommittee in that letter. Mr. Williams asked me to give the circumstances surrounding the writing of the letter, but the chairman ruled that out. Does the Senator from Mississippi agree that if I had justification, I should have been allowed to present it?

Mr. STENNIS. I shall respond to the Senator's question in this way: I do not remember that the junior Senator from Wisconsin ever offered in evidence anything about the subcommittee's attempting to use an insane witness against him or to have an insane witness testify in a case involving the Senator; I remember nothing about that.

Mr. McCARTHY. Let me read to the Senator from Mississippi from the testimony, to refresh his recollection.

Mr. STENNIS. Very well.

Mr. McCARTHY. I read now from page 295 of part I:

Mr. WILLIAMS. Senator McCARTHY, exhibit No. 21 was introduced last week by Mr. Chadwick. It is a letter dated May 11, 1952, regarding the open hearings that were scheduled in the month of May 1952 in Senate Resolution 187.

What were the circumstances surrounding the writing of that letter?

Senator McCARTHY. Well, the committee had received a staff report that a Mr. Robert Byers—

Then came the gavel; and now I continue to read:

The CHAIRMAN. Just a moment.

I think probably that is hearsay and that it is incompetent evidence, immaterial as well, and I strike that out.

So, from that point on, unless I could violate the Chair's ruling, I could not present that evidence; and let me say that when the Chair said, "That is hearsay," he had before him the committee report, so he knew it was not hearsay; he knew such a report had been given.

We have to take this piece by piece, I know. So let us take that one letter.

I think we shall agree that I could not, under the Chair's ruling, show justification. I believe the Senator from Mississippi has agreed, and I believe the Senator from South Dakota [Mr. CASE] yesterday agreed, that if there were justification for criticizing the subcommittee, such justification could be shown.

I think that today the Senator from Mississippi should frankly tell the Senate whether I was precluded from showing justification for writing the letter.

Mr. STENNIS. In reading the report—

Mr. McCARTHY. While the Senator from Mississippi is studying that document, I wish to ask him whether he is aware of the fact that the letter read as follows—I refer to the letter for which the select committee asks that I be censured:

EXHIBIT No. 21

MAY 11, 1952.

Senator GUY GILLETTE.
Senator A. S. MONRONEY.
Senator THOMAS HENNING.

GENTLEMEN: I have learned with regret that your public hearings are to open tomorrow without the presence of your star witness. You have my deepest sympathy.

Some Doubting Thomases might question the importance of this witness, except that after nearly a year of investigating, you and your staff decided that the public hearings must open with his intelligently presented, clear-cut exposé of the dangers of McCarthyism. The Nation owes you a debt of gratitude for so carefully and honestly developing this witness who could have advised the Senate and the voters of Wisconsin to get rid of McCARTHY. If only you had set the hearings 10 days earlier before the judge committed your star witness to an institution for the criminally insane, you would not have been deprived of this important link in the chain of evidence against McCARTHY.

Some shallow thinkers may say that you gentlemen are dishonest to have planned to use your committee as a sounding board to headline the statements of a witness after your staff had reported he was mentally unbalanced. I beg you not to let this distract you from the honest, gentlemanly job you are doing. Those critics fail to realize that everything is ethical and honest if it is done to expose the awfulness of McCarthyism. After all, had not your staff reported that while this witness was mentally deranged, his mental condition would help to make him an excellent witness for you.

Certainly, you cannot be blamed for not knowing that some unthinking judge would do the country the great disservice of committing him to a home for the insane before the committee had a chance to publicize and place its stamp of approval on his statements about McCARTHY. Certainly, you cannot be blamed for being unable to distinguish between his testimony and the testimony of the other witness, Benton, who asked for and was given the right to appear before your committee and publicly expose McCARTHY.

The Communist Party, which is also doing an excellent job of exposing the evils of McCarthyism, has repeatedly proclaimed that no stone be left unturned in the effort to remove McCARTHY from public life. As Lenin said, "resort to lies, trickery, deceit, and dishonesty of any type necessary," in order to destroy those who stand in the way of the Communist movement.

I ask you gentlemen not to be disturbed by those who point out that your committee is trying to do what the Communist Party has officially proclaimed as its No. 1 task. You just keep right on in the same honest, painstaking way of developing the truth. The thinking people of this Nation will not be deceived by those who claim that what you are doing is dishonest. After all, you must serve the interests of the Democrat Party—there is always the chance that the country may be able to survive. What better way could you find to spend the taxpayers' money? After all, isn't McCARTHY doing the terribly unpatriotic and unethical thing of proving the extent to which the Democrat administration is Communist ridden? Unless he can be discredited, the Democrat Party may be removed from power.

Again may I offer my condolences upon your failure to have your star witness present as planned to open the testimony. Do you not think the judge who committed him should be investigated?

Sincerely yours,

JOE McCARTHY.

The Senator and I will agree, I assume, that that is strong language. I believe we will also agree that any man who knew that a committee was calling an individual who had been discredited, who was insane, would be justified in using the strongest possible language in criticizing that committee. Does the Senator agree with me?

Mr. STENNIS. Mr. President, I am sorry I have to say this to the Senator.

His letter, which he read, was in the evidence, was it not?

Mr. McCARTHY. It is one of the grounds for censure.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. STENNIS. It was before us.

Mr. President, I am here to yield for questions whereby I might be able to help the Senate with reference to this matter. I emphasize the word "might." I feel under a sense of duty to do that, but I am under no obligation to yield for speeches or for the reading of matters which are in the record. I am very glad to try to answer the Senator's questions. I read that letter, and I considered it in evidence. There is no testimony before us about any effort on the part of the Gillette committee to use the testimony of a witness who was not mentally competent and responsible. If there had been, it would have been a different case.

Mr. WATKINS. Mr. President, will the Senator yield for a question?

Mr. McCARTHY. Does not the Senator know that the chairman ruled out that evidence, so that I could not put it in? Does not the Senator know that we offered to put that evidence in the record, so that the committee would have it before it? The chairman banged his gavel and said, "You cannot do it."

Mr. STENNIS. I have not yet seen any evidence along that line. I have not seen any affidavit from anyone. It is purely a hypothetical question. It is not before me and it is not before the Senate.

Mr. McCARTHY. Mr. President—

Mr. STENNIS. Mr. President, if I may do so, I yield to the Senator from Utah [Mr. WATKINS] temporarily on this point.

Mr. WATKINS. Is it not true that the very letter which the junior Senator from Wisconsin read was received in evidence by the select committee, with everything he said in it?

Mr. STENNIS. The Senator is correct.

Mr. WATKINS. It was before us in evidence. The full defense, the full criticism, and the full statement of the junior Senator from Wisconsin about this man were in the record.

Mr. STENNIS. The Senator is correct. The Senator from Mississippi has just stated that that letter was in the evidence and that we considered it as a part of the picture. It is a part of the picture.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. McCARTHY. I think the Senator may not have in mind the question which was asked. As I understood it, the question asked by the Senator from Utah was whether the committee had all the facts before it. The Senator has just stated that he knew nothing about the fact that this man had been committed, and that there was a committee report stating that he was mentally incompetent.

Mr. STENNIS. No—

Mr. McCARTHY. The Senator knew nothing about that, did he?

Mr. STENNIS. Evidently I did not make myself clear.

Mr. McCARTHY. I do not think the Senator did.

Mr. STENNIS. I said that if there had been any kind of sworn proof about the committee trying to use the testimony of a witness who was insane or not competent, I certainly would have wanted to hear the testimony, but, so far, there is nothing along that line. Many witnesses could be summoned. I used to be a practicing attorney. I have often summoned a great number of witnesses and perhaps I would not use half of them.

Mr. McCARTHY. I know the Senator wants to be fair. He says there was no evidence before the committee. Let me read again the ruling of the chairman. I started to say, and I quote:

Well, the committee—

That is, the Gillette committee—

had received a staff report that a Mr. Robert Byers—

The chairman interrupted and said:

I think probably that is hearsay and is incompetent evidence, immaterial as well, and I strike that out.

So the reason the committee did not have the evidence before it about the insanity of this man was that the chair ruled it out.

I call attention also to the fact that the chairman had the report of the staff. I refer to page 43 of the staff report. Page 43 of the staff report points out that Byers would be willing to testify about a crap game, and that the alleged facts were uncorroborated and denied by all the other witnesses present, but we find the statement:

Byers is known to have a bitter hatred of Senator McCARTHY, and is mentally unstable as the result of a stroke he suffered in February 1950.

The Senator repeats over and over that there was no evidence before the committee. I ask the Senator how in heaven's name I could get that evidence before the committee. When I was asked a question about it I started to say:

Well, the committee had received a staff report that a Mr. Robert Byers—

Then the chairman interrupted. The chairman said, "I have examined all the evidence." He interrupted me and would not let me proceed. Is there any way on God's earth that I could have gotten the evidence before the committee?

Mr. STENNIS. Let me interrupt the Senator's repetition. In the first place, as to the witness being insane or mentally incompetent, this is my final answer: The Senator's letter states that that was the condition, and I accepted that statement as a fact.

A while ago I said that if there had been evidence about the man's being insane, if there had been any evidence that the Gillette committee was knowingly trying to use the testimony of an insane man after it had learned the facts as to his insanity, and if the Gillette committee had been following a course of conduct involving putting that witness on the stand to testify about the Senator's case, that evidence certainly would have been heard, so far as I was

concerned. I hope I have made that point clear. I respectfully suggest to the Senator that there is no use in his going back over this pattern again. Those are my answers. That is the best I can do.

Mr. McCARTHY. Let me ask one further question for the benefit of the Senate. Does the Senator still say today that I should be censured for criticizing the Gillette committee for attempting to call this witness, in view of the report which the committee had upon his mental condition?

Mr. STENNIS. I say that on all the evidence I am forced to recommend that the junior Senator from Wisconsin be censured, and I still think that that is the correct part of the picture.

Mr. McCARTHY. How about that one letter?

Mr. STENNIS. As to any particular part of the testimony, one part will have weight with one person, and another part with another person. I am not passing on the case piecemeal, except to say that I was willing to overlook not one, but many instances. However, I am not willing to overlook the entire picture.

Mr. McCARTHY. I must take these things piecemeal. We are now talking about a report which the Senator signed, asking that I be censured for writing a letter of May 11, 1952. I merely ask the Senator this simple question—and this will be the last time, I hope, I shall have to ask it: Does the Senator, as of today, ask the Senate to censure me for writing that letter of May 11, which was critical of this particular act of the committee?

Mr. STENNIS. In the first place, I am not asking the Senate to censure the junior Senator from Wisconsin for anything. I have my responsibility in that connection. Every other Senator has his responsibility, and he will meet it.

This particular item is a part of the picture. Whatever materiality or weight it is entitled to is a question for the Senate. I think it has a bearing, and is a part of the picture.

Mr. McCARTHY. Let me ask 1 or 2 further questions. Let me say that while some members of the committee have indicated that they thought they were extending a courtesy to me by yielding for questions, and while I think the Senator from Mississippi has been very courteous—

Mr. STENNIS. I think the privilege is the Senator's, as a matter of right.

Mr. McCARTHY. I think the Senator has been very courteous, but I do not think it is a courtesy to yield to me for questions. I think it is an absolute right which I have under the circumstances, and I think any member of the committee who signed the report should explain any part which appears to me to be contradictory. I appreciate the attitude of the able Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. McCARTHY. I realize that many members of the committee may not have examined all the evidence that was subpoenaed. I have a list of all the documents subpoenaed by the Watkins committee. The Senator from Utah stated

in the record that he had examined all the evidence. Mr. Chadwick said:

That is my job. I have examined all of the evidence.

Item No. 78 interests me a great deal. It is entitled "Mail Cover. Twelve Items." As a member of the Committee on Rules and Administration I have seen some of the 12 items. I have seen the letters providing for this illegal mail cover.

I believe there is no question that all of us agree that a mail cover is illegal in such a case. The Senator from Mississippi signed the report which states that I should be censured for criticizing the Gillette committee. I wonder if the Senator was aware of the fact that during the election of 1952—and if I am wrong, the Senator from Iowa [Mr. GILLETTE] can correct me—after the investigation had been practically completed, the chairman provided for a mail cover. I ask whether the Senator from Mississippi does not agree with me that in that respect the committee was engaging in an illegal act, particularly when the law provides for a penalty for any postal employee who delays the mail. The mail must be delayed when a cover is made, and therefore the committee would be asking the postal employees to violate the law. So I wonder whether this fact was brought to the Senator's attention when he signed the report.

Mr. STENNIS. I knew nothing about an alleged mail cover. If that was discussed by our committee, I missed that point.

I was present all the time with the exception of about 30 or 40 minutes, as I recall, but I do not recall anything about a mail cover. I do not know exactly what it is. I do not know.

Mr. McCARTHY. I may say, in fairness to the Senator from Mississippi and the other Senators, that I doubt very much if any of the Senators were aware of this illegal act. The chief counsel of the committee, Mr. Chadwick, said he had examined all the evidence. Why this fact was not brought to the Senator's attention I do not know. Let me ask this question: If it had been brought to the Senator's attention that the Gillette committee was engaged in this violation of Federal law, would the Senator from Mississippi then have felt that I was justified in criticizing the committee, or would the Senator from Mississippi have felt that I should be censured for criticizing that committee?

Mr. STENNIS. I do not know what a mail cover is. The Senator from Wisconsin will have to explain it to me. What is a mail cover?

Mr. McCARTHY. A mail cover consists of stopping the mail of an individual and taking off the postmark and the return address on the mail. On mail going out from the individual it consists of taking off the address of the person to whom it is being sent. Such a procedure is provided for under the Federal law to be followed by the FBI and certain other Federal agencies, for the purpose of apprehending a fugitive. In other words, let us assume that John Jones is a fugitive from justice. The law

provides that a mail cover can be placed on his mail in an effort to locate him. There is no provision for a Senate committee to use such a mail cover.

The law provides further that a postal employee who delays the mail, in the absence of a provision of law which gives him permission to do so, is guilty of a violation of the criminal law.

My simple question is this: If the Senator from Mississippi had known when he signed the report—what he did not know, obviously—that the Gillette committee was engaging in this illegal activity, would the Senator from Mississippi have felt that I was justified in criticizing the committee?

Mr. STENNIS. I do not know anything about what the Senator from Wisconsin said in criticism of the committee for that act. As a general proposition, I do not approve of what the Senator calls a mail cover. However, that was not involved in the case I considered. Of course, I would have to hear the proof as to just what was done, if anything, along that line, before I could pass on it.

Mr. McCARTHY. Just one comment on that. On page 296 the chairman ruled out any and all evidence of this nature. Therefore I had no way of bringing it before the committee. Frankly, I did not know that the chairman had in his possession this material. In fairness to the Senator from Utah [Mr. WATKINS], I must assume that he had not examined this material and that he may have not known about it. However, he did say he examined all the evidence, and his chief of staff said, "It is my job, and I have gone over everything."

Therefore, as I say, I did not know that the committee had all this information at the time I was trying to produce it. If I had known the committee had it, I would have merely asked that the committee produce it itself.

One further question. This is getting down to the meat of the case, I believe.

On page 30 of the report the committee states, in speaking of a Senator:

But he—

Any Senator—

has no right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their personal character for what official action they took.

Let us assume that the motives of a Senator are extremely bad. Let us not talk about any present Member of the Senate. Let us assume that we are now in 1965. Let us assume that the Senator from Mississippi knows of his personal knowledge that the motives of a Senator are extremely bad, and that he was motivated by improper considerations in his official acts.

Does the Senator from Mississippi believe that he, the Senator from Mississippi, should be censured for calling attention to that fact?

Mr. STENNIS. The Senator from Wisconsin states a hypothetical case.

Mr. McCARTHY. It involves legal principles.

Mr. STENNIS. I have fully explained repeatedly my judgment and have tried

to make it clear. I have tried to do so with respect to the case of the Senator from Wisconsin, and have tried to state my reasons. I refer to page 30 of the report, particularly to the sentence the Senator from Wisconsin has read:

But he has no right to impugn the motives of individual Senators responsible for official action, or to reflect upon their personal character for what official action they take.

Of course, that means that the Senator has no right to do that except in order to discredit Senators or bring them into disrepute or abuse them, or hold them up to ridicule and scorn in connection with their official acts. That principle has to be applied always to particular cases. I say I applied the facts in the case of the Senator from Wisconsin and reached a conclusion.

Mr. McCARTHY. I know that there are some persons who believe there should be a special rule applied to my case. However, this rule must apply for all time to come, if we adopt it.

The report states that no Senator may do this. It does not say only Senator McCARTHY may not do it. Then the report points out that a Senator has no right to impugn the motives of a Senator, and so forth. Then the report states that if the rules and procedures were otherwise, no Senator could have freedom of action.

Let us assume that the Senator from Mississippi is a Member of this body in 1965. The Senator from Mississippi knows that a certain Senator has bad motives and is guided by those bad motives. Should the Senator from Mississippi be censured for calling the attention of the country to that fact, off the floor of the Senate?

Mr. STENNIS. As a general proposition, of course, we can bring out all facts that pertain or relate to bad motives, and we can give our conclusions on those facts. However, in the case of the Senator from Wisconsin, as I understand the facts, it does not fit into a pattern of that kind. I am sorry it does not.

Mr. McCARTHY. The Senator from Mississippi is now setting a rule of general application, not only for McCARTHY. On page 30 of the report I call attention to this language. I consider this to be above everything that has been said so far. This is all-important. The committee is not referring to McCARTHY. The committee is laying down a general rule. The committee states:

Any Senator has the right to question, criticize, differ from, or condemn an official action of the body of which he is a member, or of the constituent committees which are working arms of the Senate, in proper language.

In other words, the committee starts out by saying a Senator can criticize committees. Then the committee differentiates, and it states:

But—

The committee is not referring to McCARTHY now, but to all Senators, for all time to come—

But he has no right to impugn the motives of individual Senators responsible for official action, nor to reflect upon their per-

sonal character for what official action they took.

If the rules and procedures were otherwise, no Senator could have freedom of action to perform his assigned committee duties.

I gather that the committee means that if a Senator could be criticized he would be intimidated and he would not perform his work.

I am not asking what rule should be applied to McCARTHY, but what rule should be applied to every Senator. If the Senator from Mississippi, having this rule before him, knew that Senator X—or, let us say Senator McCARTHY—was guilty of improper motives, that I had been completely dishonest in my work on a committee, does not the Senator feel he would be in duty bound to violate this rule and call that dishonesty to the attention of the country?

Mr. STENNIS. I will answer the question in this way: If I said a Senator was completely dishonest and if I thought I had the facts to back up what I said, and could prove it, if the Senator called on me to prove it I would either prove that the Senator was dishonest or take back what I had said or admit that I had not told the truth.

Another thing: The Senator says to this six-man committee that we are all unwitting handmaidens of the Communist Party. I think the word "unwitting" does not apply, because all these men are intelligent men, and I think the Senator from Wisconsin should prove what he says, that we deliberately became handmaidens of the Communist Party.

Mr. McCARTHY. Let us not change the language.

Mr. STENNIS. The Senator should prove it, take it back, or admit that it is false. That is the way it looks to me.

Mr. McCARTHY. Let us not change the language. The Senator says I say the committee is deliberately doing the work of the Communist Party. I said, and I want to make it clear, that the committee was unknowingly acting as the handmaidens of the Communist Party.

I went on in my speech to point out that a censure vote would be a great victory for the Communist Party. I pointed out in that speech—and I wish the Senator would read it—that the official organs of the Communist Party have been plotting their attack on McCARTHY. I pointed out that I had been investigated five times as a result of my exposure of Communists. I have pointed out that I will be investigated the sixth time unless I quit investigating Communists. That means that I shall be, because I do not intend to discontinue exposing Communists, regardless of any censure vote of the Senate.

The Senator is getting away from the point, now. He is trying to promulgate a rule by which I can be censured. Let us have it applied to all other Senators. I do not think an honest, forthright Senator such as is the Senator from Mississippi should take as much time answering these questions. The Senator has a great record in the Senate, and I think he is completely honest. I do not question his motives in the slightest.

The PRESIDING OFFICER (Mr. BARRETT in the chair). The Senator from Mississippi has the floor.

Mr. STENNIS. Mr. President, let the Senator from Wisconsin ask questions. I think he has a right to ask questions, but not to make speeches.

Mr. McCARTHY. Mr. President, let me say that so far as I am concerned—

Mr. STENNIS. Just a moment. Let me answer the Senator's question.

Any rule that would apply to the junior Senator from Wisconsin should apply to me and to all other Senators. My speech this morning concerned, as I saw it, a standard of conduct which, if we adopt it as being proper, becomes a standard of conduct, but if we disapprove it, it will not become a standard of conduct in the Senate. I think that is the issue; that is the only issue. I think we must answer "Yes" or "No" on the facts before us. I do not see any halfway ground.

The words on page 30 of the report are not rules of the Senate, of course. I think that goes to the heart of the Senator's question. They are not rules to apply to anyone. They are general principles to which we have to apply the facts.

The resolution which is before the Senate—without reading it all, but skipping down—states that the junior Senator from Wisconsin "repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin [Mr. McCARTHY], in failing to cooperate with a Senate committee in clearing up matters affecting the honor of the Senate is contrary to senatorial traditions."

That is the question which is before the Senate. To that extent it will tend to establish a rule—to the extent of the facts in the Senator's case, and no further.

Mr. McCARTHY. In other words, the Senator's position is that the words at the top of page 30 do not become the guiding rule of the Senate, but the guiding rule in this case?

Mr. STENNIS. No; I certainly do not feel that way at all about it. The statements on page 30 are statements of general principles, general lines of criticism, or views, or whatever we may term them. But they are certainly not a rule of the Senate. I do not consider them such.

Mr. WELKER. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I shall be very glad to yield to the Senator from Idaho.

Mr. WELKER. The Senator has been very kind. I know he is weary, as anyone would be who has been on his feet for a long time. I shall be very brief. It is because of my great and profound respect for the Senator's legal ability that I wish to interrogate him.

Mr. STENNIS. I thank the Senator from Idaho.

Mr. WELKER. Mr. President, I do not see anything funny about it. In the utmost sincerity and upon my oath as a Senator I state that I respect the distinguished Senator from Mississippi.

Mr. STENNIS. I took it as a compliment. I did not smile.

Mr. WELKER. I know the Senator did not, but someone did.

Mr. WILEY. Many Senators did.

Mr. WELKER. Would any Senator who smiled differ from that statement? I hope not.

Mr. President, this morning I interrogated my friend—and I want no smiling about it—with respect to the Senator from Colorado [Mr. JOHNSON] regarding his changing his opinion after he had seen General Zwicker on the stand. The Senator from Mississippi has instructed many juries in his lifetime. Is it not a fact that it is the fundamental law in the State of Mississippi and in every Federal court he knows of and in which he has practiced law, that juries are instructed somewhat as follows:

You are the sole judges of the facts in this case. You are to observe the manner and demeanor of the witnesses upon the stand, their conduct and their answers.

The Senator from Mississippi knows that instruction better than I do. May I ask him if he thinks it is fair for a member of the select committee to change his opinion entirely with respect to the testimony given by the general when he had no opportunity whatever to examine the facts as to the general's conduct?

Mr. STENNIS. Is the Senator referring to the distinguished senior Senator from Colorado [Mr. JOHNSON]?

Mr. WELKER. Yes; I simply wanted to have the fine legal opinion of the Senator from Mississippi.

Mr. STENNIS. The Senator may not have been present this morning when I said that my impression, in the beginning, about the so-called Zwicker case was that I would not make it a basis for censure. But after hearing the evidence and all the facts adduced before the committee, the case appeared in an altogether different light. That was my experience. Of course, I would not pass upon the experience of my friend, the Senator from Colorado. He can speak for himself.

Mr. WELKER. Let us discuss the experience of the Senator from Mississippi. He changed his opinion after he had seen and heard General Zwicker before the select committee. The Senator from Mississippi did not observe General Zwicker's demeanor and activity or did not hear his language on the witness stand when it is alleged that the junior Senator from Wisconsin abused the witness. Is that not correct?

Mr. STENNIS. That is correct. I am very glad to disclose to the Senate my reaction to the Zwicker case. When we come to a discussion of that case, I expect to speak fully on the facts and to give a review of the evidence which impressed me. I do not have it vividly in my mind now.

Mr. WELKER. Will not the Senator from Mississippi further agree with me that no 2 Senators, no 2 judges, no 2 lawyers, and certainly no 2 cross-examiners, are alike?

Mr. STENNIS. That is very true.

Mr. WELKER. Cross-examination, as we have been taught in law school, is

the hardest and most difficult part of a lawyer's work. What might be simple for the distinguished Senator from Mississippi might well be difficult for the junior Senator from Idaho.

Mr. STENNIS. That is correct. Those matters are entitled to consideration and weight.

Mr. WELKER. I shall be finished with my interrogation of the Senator after one further question. Would the distinguished Senator from Mississippi agree with me that, as a matter of fundamental law, the jurisdiction of the select committee was based on the expulsion clause of the Constitution of the United States?

Mr. STENNIS. On what clause?

Mr. WELKER. The expulsion clause. It is all contained in one paragraph of the Constitution, as the Senator will remember.

Mr. STENNIS. I think that any legally constituted body has certain inherent rights to protect itself. It can prescribe its standards, rules, methods, and the like. As the Senator from Idaho has pointed out, there is in the Constitution a special clause with reference to expulsion and disorderly conduct.

Mr. WELKER. The Senator from Mississippi is not saying for a moment that the select committee went beyond the Constitution of the United States, is he?

Mr. STENNIS. No; I think not. Clearly not.

Mr. WELKER. Did the Senator from Mississippi or the committee counsel ever discuss, or did the committee discuss, the profound treatise on the Constitution of the United States entitled "The Vanishing Rights of the States," by James M. Beck, who was a former Solicitor General of the United States?

Mr. STENNIS. I am familiar with that book. I did not study it in connection with these hearings, particularly, but I know in a general way that there are some very fine chapters in it.

Mr. WELKER. I believe that Senators from the South have read it many times.

Mr. STENNIS. Perhaps so.

Mr. WELKER. Is the Senator from Mississippi familiar with a statement at the bottom of page 50 of Mr. Beck's book, after a discussion of expulsion, in which he puts expulsion, censure, and so forth, in the same category? I shall be glad to hand the book to the Senator from Mississippi at any time. I read as follows:

It is, however, equally clear, that the act which would justify his expulsion, must have taken place since his election. What he did prior to his election and qualification has been passed upon by the people of his State. In a political sense, it is *res adjudicata*. A candidate for the Senate might have been guilty of embezzlement before his election, but the right of the people of that State to send an embezzler to the Senate, if it sees fit, is clear. Such decision is the sole right of the State.

Does the Senator from Mississippi agree with author Beck upon that subject matter?

Mr. STENNIS. There is a great deal of soundness in a part of that statement,

of course. I do not think I could at this time help the Senator or the Senate in any way on this matter. It is very clear to me that it is a continuing matter.

This proceeding does not deal with expulsion, in the first place. But I should be glad if the Senator from Idaho would defer further questions on that point. I may present additional statements along that line, and we can then further discuss the question.

I wish to thank the Senator from Idaho for his very considerate interrogation, and also the junior Senator from Wisconsin [Mr. McCARTHY], whose interrogation also, I thought, was very good.

Mr. WELKER. I thank the Senator.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. BRICKER. Mr. President, I wish to speak very briefly this afternoon about the matter which is before the Senate.

I oppose the resolution to censure the junior Senator from Wisconsin.

If censure is voted in this case, it is highly probable that other Senators would be censured for comparable acts. The result of censure, therefore, would be one so close to legislative tyranny that I cannot view it with complacency.

Fortunately, we are not all of the same mold. Every Senator should be free to do his job in his own way, so long as he acts within the law and within the rules of the Senate.

The framers of the Constitution faced the problem of legislative tyranny. They limited the powers of Congress to those specifically delegated by the Constitution. Two forms of legislative tyranny were specifically prohibited—*ex post facto* legislation and bills of attainder. To the Founding Fathers, therefore, legislative tyranny seemed just as ugly as the tyranny of the despot or of a mob.

In this case, the Senate is sitting as judge, prosecutor, and jury. However, I do not suggest, nor do I intend to imply even remotely, that the Senate of the United States is imbued with the spirit of punitive action. I yield to no man in the respect I hold for the processes and traditions of this body. Nevertheless, if the consequence of Senate action is to single out one Senator for punishment and to excuse all others liable to punishment on the same basis, the result is an injustice.

Unjust punishment is that having no basis in any rule of law. The victim may receive an eminently fair trial. But if his punishment is based on *ex post facto* legislation, or on no law at all, he is truly the victim of injustice.

No punishment can be just if it is not based on any law that is known, knowable, or predictable. We are not concerned here with the problem of power. A mob has power, unlawful power to be sure. The Senate of the United States in this proceeding is armed with constitutional power. Article I, section 5 of the Constitution provides that "each House may punish its Members for disorderly behavior." But unless the exercise of that power is bottomed on a rule of law designed for impersonal and impartial application in all similar cases, history will surely record the result as unjust.

The rule of law is defined as follows in Prof. F. A. Hayek's *Road to Serfdom*:

Nothing distinguishes more clearly conditions in a free country from those in a country under arbitrary government than the observance in the former of the great principles known as the rule of law. Stripped of all technicalities, this means that Government in all its actions is bound by rules fixed and announced beforehand—rules which make it possible to foresee with fair certainty how the authority will use its coercive powers in given circumstances and to plan one's individual affairs on the basis of this knowledge.

That rule was upheld in very strong language by the Supreme Court in a United Mineworkers case a few years after the First World War.

The case was argued by one who was afterward Chief Justice of the United States, the Honorable Charles E. Hughes. I remember that in his brief he traced the law from ancient times down to the present, and very clearly distinguished, as does this noted author, between freedom and arbitrary government power and both came to the same conclusion.

Injustice is not synonymous with miscarriage of justice. No system of justice is foolproof. Reasonable men may draw erroneous conclusions from a given set of facts. Fairminded men may make legal interpretations inimical to basic liberties. So long as such men—whether they be judges, prosecutors, jurors, or United States Senators—honestly endeavor to apply a definite rule of law, they may err, but they are not unjust.

At this point in my remarks, I wish to make it perfectly clear that I have the highest admiration and respect for the honesty and integrity of the six Senators who served on the Select Committee To Study Censure Charges. They are all able. They would not wittingly set in motion, or condone, any action that is inherently unjust. Nevertheless, in my judgment, that is the effect of their recommendations.

I cannot agree with the junior Senator from Wisconsin that one or more of the members of the select committee were so biased as to preclude their making a fair appraisal of his case. It was manifestly impossible to find six Senators who had not at one time or another expressed an opinion on the controversial junior Senator from Wisconsin.

In my judgment, the junior Senator from Wisconsin should have been allowed to make his full defense before the committee. The committee denied him that right. But since the entire subject is going to be ventilated here on the Senate floor, the junior Senator from Wisconsin will have his day in court. Whatever the conclusion of the Senate, the junior Senator from Wisconsin will have had a full and fair hearing.

We have, then, a resolution of censure which six able and honest Senators think must be adopted to preserve the good name of the Senate, but which strikes me as patently unjust. What is the reason for these radically different conclusions?

If a court tried and punished a man without citing any law to support its action, all lawyers would condemn the result as unjust, and this would be true no matter how skillfully the proceedings

were decked out in the trappings of justice. It would be no defense for the court to cite its general authority to try and punish individuals. Judicial power to punish is limited by the necessity for an applicable law, common or statutory, which defines the crime with reasonable precision.

Legislative power to punish under article I, section 5, of the Constitution, should necessarily be exercised in accordance with the same limitations. It is even more important that in this proceeding we observe the basic tenets of Anglo-American criminal law because the exercise of our power to punish by way of censure is not judicially reviewable. The law we apply must be sought primarily in a body of legislative precedent. Occasionally, some new precedent must be formulated. But if we censure a colleague without reaffirming or establishing a precedent for all similar cases that now exist or which may exist in the future, the verdict of history will be that we were unjust.

There is no precedent for censuring a Senator on the two charges set forth in the report of the select committee. The committee concedes this point on page 61 of its report. The absence of precedent, I agree, does not conclusively settle the question. If the precedent created by censure of the junior Senator from Wisconsin is to be applied impartially to all present and future Senators, then censure, however unwise, would not smack of legislative tyranny. That is not the case, however. Censuring the junior Senator from Wisconsin would not establish any general precedent. It is not seriously intended to establish such a precedent. And because no such precedent would be established, we would be punishing Senator McCARTHY in total disregard of any rule of law.

This issue in the case towers above all others. Yet it is not even discussed in the report of the select committee. The committee's action seems to rest on the naive assumption that a resolution of censure is admonitory; that the object of censure is merely scolded. It is punishment. For a Senator, few forms of punishment are more severe. Of course, the committee had no idea of establishing a precedent under which more than half the Senate would be liable to punishment. That is why the committee regarded as irrelevant and inadmissible the derogatory statements of other Senators with reference to their colleagues. That is why the committee refused to consider what other Senators have said in the heat of cross-examination.

Most opponents of censure have said that it would create an undesirable precedent. Of course, if censure is voted, and if the precedent is applied impartially to present and future Senators, the result would be not merely undesirable but catastrophic. The Senate could not function as a deliberative, legislative body. The truth is that censure would not establish a precedent governing the conduct of all other Senators. And when we take punitive action against one Senator and refuse to apply it as a precedent to others, we depart from the re-

straining influence of the rule of law. We become unjust.

In my judgment, the case against the junior Senator from Wisconsin stands or falls on the answer to this question: Is the standard of conduct imposed by the resolution on the junior Senator from Wisconsin to be applied impartially to all present and future Senators?

Mr. JENNER. Mr. President, will the Senator from Ohio yield in order that the absence of a quorum may be suggested? I think he is making a very fine presentation of the matter. The prosecution has been heard. I think the defense should be heard. The Senate has met to consider this question, and there is no reason why all Senators should not be present.

Mr. BRICKER. I appreciate the offer of the Senator from Indiana, but I should like to continue so that I may complete my statement. It may be read in the Record. If the absence of a quorum were suggested, I doubt that more Senators would remain than the number now present. So I refuse to yield for that purpose, if it does not offend the distinguished Senator from Indiana.

I have searched the rules, Mr. President, and I find no rule in the established rules of the Senate which would provide any punishment for the acts that are here charged as offenses.

Every Senator must know in his heart that the answer to the following question is "No": Is the standard of conduct imposed by the resolution on the junior Senator from Wisconsin to be applied impartially to all present and future Senators?

In any event, the fact can be demonstrated beyond any shadow of doubt. It is simply a job of selecting several examples from the many thousands that are available, even if they are undesired by most of us.

Turning now to the committee report, I shall not unduly extend these remarks by pointing to its many inconsistencies, or to the quality of the argument submitted. It is enough to know that censure is recommended on 2 of the 46 charges presented to the committee, and that the recommendations on these two charges were influenced by 2 other charges discussed at length in the report. Briefly stated, the four major complaints against the junior Senator from Wisconsin are:

First. That he did not avail himself of the opportunity to appear before the Gillette subcommittee which was inquiring into matters antedating his election to the Senate, which issued no subpoena to require his attendance, and which denied him the right to cross-examine witnesses which, incidentally, the Watkins select committee found inexcusable;

Second. That his public statement with reference to the junior Senator from New Jersey [Mr. HENDRICKSON] was vulgar and insulting;

Third. That his conduct in the cross-examination of General Zwicker was inexcusable; and

Fourth. That his invitation to Federal employees to supply him with information on governmental operations "without expressly excluding therefrom

classified documents, tends to create a disruption of the orderly and constitutional functioning of the executive and legislative branches." Though not made a ground for censure, the select committee added: "Such conduct cannot be condoned and is deemed improper."

I shall take up these complaints in order to show that adoption of a resolution of censure based on or influenced by them would not establish a precedent for all other Members of the United States Senate.

With reference to complaint No. 1, other Senators have not been, and never will be, censured for declining to accept a committee's invitation to appear, or for declining to appear voluntarily to explain conduct which took place in a prior Congress, or for refusing to cooperate with a committee not permitting them to cross-examine witnesses. Approval of this charge would not lead to censure of other Senators who have in the past, and will in the future, construe an invitation as something that they have the choice of accepting or declining. Therefore, I am constrained to say that censure on the basis of this flimsy charge would reflect a vindictive passion unworthy of the world's greatest deliberative body.

In regard to complaint No. 2, what happens if we censure the junior Senator from Wisconsin for using vulgar language with reference to the junior Senator from New Jersey?—and I do not condone it. More vulgar, in my judgment, was the speech made on the Senate floor several months ago against the Senator from Wisconsin. Will the Senate censure that Senator? Of course not. I do not think it should. The rules of the Senate provide that such a Senator may be required to take his seat at the time when he makes such a remark on the floor of the Senate, and that thereafter he may be allowed to proceed to speak only by an affirmative vote of his colleagues; but the rule makes no reference regarding censure for what was said. But if only the junior Senator from Wisconsin is to be censured for using intemperate language reflecting adversely on other Senators, how is the Senate to defend itself against charges of being unjust and discriminatory? If uncomplimentary references by one Senator concerning another will put the censure machinery in motion, there will be no time here for anything except mutual recrimination. Nothing of the sort will happen, as we know. That being true, how can censure of the junior Senator from Wisconsin be based on anything except an avidity to punish?

Censure on the basis of complaint No. 3 would establish no precedent applicable to the conduct of other Senators. Whatever the outcome of this proceeding, in examining uncooperative witnesses Senators will continue to follow the example and advice furnished by Mr. Justice Black on the value of vigorous cross-examination.

I believe that General Zwicker—and I may say I have read all the testimony—was an irritating, evasive, and arrogant witness. If I should say now, and without the excuse of provocation, that Gen-

eral Zwicker is not fit to wear the uniform of his country, would I be censured; or would any other Member of the Senate be censured for saying such a thing? Will a member of the so-called crime-investigating committee be censured for showing less respect for the rights of witnesses appearing before the special crime committee than the junior Senator from Wisconsin shows to witnesses appearing before his committee? Certainly not. And I would oppose any such move.

If the Senator's public criticism of General Zwicker is an adequate basis for censure, will the Senator who has charged General Zwicker's boss, the Secretary of Defense, with favoritism or corruption, or both, in awarding defense contracts and, therefore, necessarily unfit to be a Cabinet officer, be the next one to be subjected to a demand that he be censured? No, Mr. President, the Senate will not censure him, and all of us know it. Just think how many Senators could be censured for charging that the Secretary of the Interior, notwithstanding his constitutional oath, has been giving away property of the United States with the profligacy of a spendthrift internationalist. However, none of these possible censure actions will ever materialize, even if the junior Senator from Wisconsin is censured. Precisely because the censure of the junior Senator from Wisconsin will not create a precedent of general applicability, we would deny him the impersonal justice which from time immemorial has been symbolized by a blindfold on the figure of justice.

To whatever extent complaint No. 4 influenced the action of the Select Committee To Study Censure, the senior Senator from Utah [Mr. WATKINS] and his colleagues on the Senate Internal Security Subcommittee would be likely candidates for censure. They signed a report inviting Federal employees to furnish the committee information relative to subversion, and, in the words of the report of the select committee, "without expressly excluding therefrom classified documents." Of course, they will not be censured, whatever the fate of the junior Senator from Wisconsin, and they should not be. They were within their rights under the law. It must be a strong, holier-than-thou obsession which prevents a Senator from seeing the unparalleled absurdity of the situation in which the Senate now finds itself.

I wish now to qualify slightly my previous statements that a vote of censure will not constitute a precedent. It may establish a very narrow precedent, but nevertheless an exceedingly dangerous one. The precedent would operate as a club to beat down any Senator inclined to lead in Congress the never-ending fight—and I hope it is never ending—against the Communist conspiracy in America.

It is not mere coincidence that the main stream of vilification and abuse has been directed toward those Members of Congress who have been active on the committees which expose Communists and their retinue of dupes and fellow travelers. From the time of MARTIN DIES, in the thirties, the strategy

of the Communist conspiracy has been to defame and destroy those men in Congress who symbolize the opposition of millions of patriotic Americans. The Communist strategy has been sound: Destroy the symbol first, and then the forces represented and made articulate by the symbol can be much more easily crushed. The Communist strategy has been exceedingly well executed.

Now a word about methods in this life-or-death struggle with the Communist conspiracy. All of us have seen the grisly face of communism. Not all of us have reacted in the same way. Though all of us have gazed on the same evil countenance, our interpretations of the vision have not been uniform.

To the junior Senator from Wisconsin and to me, the gory mien of communism appears as unmitigated evil. The reaction of the junior Senator from Wisconsin has been simple and direct. With patriotic exuberance, he grabbed his shillelagh and went to work. Some of his friendly critics suggest that he should use a rapier, and other friendly critics tell him that a strong spotlight is sufficient.

There is another class of Senators in whom the frightful face of communism arouses no strong emotion. They pretend that the evil vision is some optical illusion. These critics of McCarthyism urge that communism be discussed in broad and general terms; that the prime necessity of the hour is preservation of an expansive executive power; and that the only gentlemanly way to fight Communists is with both hands tied behind the back.

Most of the fanatical critics of McCarthyism are technically non-Communists. But the brutal face of communism holds them in the irresistible power of sensual attraction. Logically they know that to embrace communism is fatal. Yet they cannot tolerate any congressional attack on this perfected evil. And why not? Because the vision of communism is so strikingly similar to socialism and other collectivisms to which they have pledged their lives, their fortunes, and whatever small honor may exist in such a cause.

That, in a nutshell, is the meaning of the debate over MCCARTHY's methods. The primary function of congressional investigation in this field is to inform and to alert the American people concerning all aspects of the Communist conspiracy, and to lay the foundation for legislation. In fulfilling that function the junior Senator from Wisconsin has been preeminently successful. He has dramatized the issue better than anyone else. Deservedly or not, his friends and enemies, both here and abroad, have made him the prime symbol of vigorous anticommunism. The question here and now is whether we shall destroy that symbol in a spirit of vengeance or whether we shall preserve it in the tradition of equal justice under the law.

Today the hue and cry is on throughout the land. The pack which hunts the hunters of Communists has caught the smell of blood. Without any implication of bad faith or lack of patriotism

on the part of any of my colleagues, whom I respect, I shall not run with that pack.

Mr. GOLDWATER. Mr. President, we find ourselves in a peculiar and unusual situation at this hour in the debate. We have the spectacle of cannibalism holding forth. We find the Republican Party, on this side of the aisle, busily chewing on itself. I do not believe Republicans are enjoying the Irish stew they are having. Also we have the spectacle of the Senate gnawing away on the very muscles which have made it great, namely, the muscles of its legislative investigative power.

In any discussion such as the one in which the Senate is now engaged, there is a tendency to drift away from the real issue, either by the introduction of diversionary subjects or by technicalities which cause us to lose sight of the original problem.

It is necessary, therefore, at some time in a discussion like this, to call attention to the real issue and urge that the minds of the participants return to that issue. That time has come now in the debate on this censure move.

As I have listened to the many speeches which have been made, pro and con, concerning this proposal, I have felt an increasing sense of the unreality in which this discussion has taken place. We have been splitting hairs over technicalities and legal trivia, and I do not recall in any of the speeches that have been made, either for or against censure, any serious facing of the key question which we are called upon to settle in this session—the question of what will happen to America's fight against communism if the efforts of a man who has been active in the fight against this evil are repudiated. Consequently, my remarks will be directed to that subject at this time.

Mr. WELKER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. WELKER. Will the Senator be gracious enough to yield so that I may suggest the absence of a quorum, with the understanding that he shall not lose the floor?

Mr. GOLDWATER. Mr. President, I appreciate the generosity which prompts that request of my friend from Idaho, but I am sure that the experience of other Senators will bear me out in the statement that a quorum call would probably mean the loss of a few Senators.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. GOLDWATER. I yield.

Mr. WELKER. Mr. President, I am astounded and ashamed. A fellow Senator is on trial for his very political and moral life, and yet there are many empty seats on both sides of the aisle. I draw no distinction between Democrats and Republicans. I think this is a low day in the history of the land. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER (Mr. BUSH in the chair). The Chair must remind the occupants of the galleries that the rules of the Senate forbid applause or any other demonstrations of approval or disapproval of statements made on

the floor of the Senate. Occupants of the galleries are guests of the Senate, and they are asked to observe its rules.

The Senator from Arizona may proceed.

Mr. GOLDWATER. Mr. President, let us place this debate—not merely the one we are engaged in at the moment, but the one that has been raging for the past 4 years—in perspective. We know that this censure move is not a disconnected happening either in the career of Senator McCARTHY or in America's fight against communism. It is a part of a sequence of events. Actually, those unknown engineers of censure hope that this will be the culminating act in the merciless fight to destroy a United States Senator and the fight against communism which has been crackling on a score of left-wing fronts for over 4 years. Make no mistake about it, if this effort of theirs falls now, there will be another one.

What kind of fight has it been? It is a fight which has been laden with hypocrisy. The masterminds of this fight have said one thing and meant another. Their propaganda has dripped with idealism, high-mindedness, and lofty sentiments. Their deeds have come from the darkness. As this fight has progressed it has snowballed to include wider and wider groups who hate McCARTHY without really knowing why that hate exists. All the discredited and embittered figures of the Hiss-Yalta period of American dishonor have crawled out from under their logs to join the efforts to get even. The news columns and the airwaves have been filled with their pious talk about "civil liberties," "ethical codes," and "protection of the innocent," while at the same time these people have dipped in the smut pot to discredit Senator McCARTHY and his work against communism. Mind you—and remember this—their efforts have not been confined only to this one Senator, but have included all Members of both Houses and all Americans who have had the courage to stand up and fight their evil cause, communism.

The culmination of their efforts is now to be seen upon the Senate floor, where the Senate is being asked to censure a Member of this body for reasons that are alien to the original issue, but which will serve the purposes of the masterminds who have thus far waged the war against those who fight communism. It is because of this that I wish to develop what I feel to be the real and basic issue in this fight, so that those of us who sit in this exalted Chamber today will not have cause to look back upon our actions in future years with shame and sorrow.

I am told that once there was a State senator in New York named Grady who was ordered by his organization to put over an unethical deal in the legislature. The Senator complied, and when he came out of the senate chamber he was heard to say, "This has been the dirtiest day's work of my life." If the Senate, upon being reminded of the basic and real issue in this fight, still sees fit to approve the censure resolution, then I suggest that there are many here who will say to themselves in the undecieving solitude of

their private thoughts, "This has been the dirtiest day's work of my life."

Who gave birth to this frenzied child, "Get McCARTHY"? The same parent that conceived the "Get DIES" and the "Get" any other American who would fight the Communist Party conspiracy. From the date of his Wheeling speech on February 9, 1950, scarcely an issue of the Communist Daily Worker has failed to shriek "McCarthyism" in all the voice registers of left-wing vituperation. Trust the Communists themselves to know which anti-Communist is really dangerous to their deep game. The cry of "Get McCARTHY" and "Get anybody who fights communism" has been taken up by left-wing organizations all over this country, and, unfortunately, so much dust has been raised by these people that many solid, sound Americans have taken up the cry without exactly knowing why.

Admittedly, if the anti-McCarthy camp were composed only of these figures, the "Get McCARTHY" drive would still be in the obscure precincts of American communism. The deadliness of the Communist way of operating is shown by the fact that they have skillfully shifted the leadership of the campaign into the hands of highly respectable American anti-Communists, who have come to hate McCARTHY for other reasons. Such present fronts for the most part do not even realize that when they hound McCARTHY they are actually helping the stealthy plotters in the Kremlin to kill off their major political obstacle in America.

Today, the labeled Communists have wisely moved aside and have allowed these naive recruits to handle all the heavy artillery against not only the Wisconsin Senator, but against other men in public life who fight for the same principles. The non-Communists do the firing, but it is Malenkov's men who expect to cash in the dividends. What never seems to dawn on most of the people who are shouting "We must get rid of McCARTHY, we must get rid of McCARTHY," is that the one thing which Moscow desperately wants, and to which a major portion of their efforts is devoted, is to break up the anti-Communist unity of the American people. Moscow has always confidently believed that its day would ultimately come in the United States when it could find an issue which would divide the non-Communist Americans against themselves. They have found that issue in so-called McCarthyism. For months they have had the supreme satisfaction of seeing anti-Communist Americans of both parties vilifying and smearing other anti-Communists of both parties over this McCarthy issue. The American anti-Communists have been engaging in an incredible orgy of political cannibalism. Even were Senator McCARTHY everything which his opponents charge, nothing could be more suicidal than for anti-Communists to stop fighting Malenkov in order to fight McCARTHY, or to fight any other individual engaged in bringing to the attention of the American people the dangers of this insidious philosophy. Yet that is what we are doing today, in this attempt to censure the junior Senator from Wisconsin.

Why is it that this particular Senator has been singled out for this particular ordeal? In the course of the years since America has become cognizant of the presence of communism in this country, there have been many men in public life whose names have been just as conspicuously identified with the fight against it, and yet it is only this Senator who has been put in the pillory and brought before this body for censure. What has he done that has made him such an unforgivable figure to his strangely assorted baiters? I think that the answer to this question will bring us very close to the real issue which we are deciding in this special session.

Certainly, it is difficult to believe that the junior Senator from Wisconsin is really under attack because of the relatively trivial offenses which have been alleged against him by the select committee. We all know that he could have done many things even more serious, and we all know that in our memories we can recall more drastic words having been spoken against a witness or even having been spoken on the floor of the Senate, without the whole machinery of the Senate having been put into motion in a special session to ask for a particular Senator's censure.

The reason lies somewhere else. It is buried beneath deceptive surface appearances of this case. Our search for that reason leads us to some extremely important men, some of them working in anonymity, who have vowed to drive McCARTHY from a position of influence in this country. Their motives are a crisscross of spite, of fear of his political possibilities, and of the ever-present and haunting dread that his ranging investigations might lead him into certain dark places in the Washington scene which they desperately want to keep covered up.

For more than 5 years, from 1941 to 1946, this country went through a paranoiac attack of trust Stalinism. Apparently sound-minded public men during that period went on some of the most incredible pro-Russian binges. The ghosts of those wartime lunacies are buried all over Washington. When sanity returned to the Nation those who had helped Russia to cheat us out of the peace did not want the story to be told in all its unbelievable sordidness. A little of it was brought to light in one memorable year of truth telling, 1948, but most of it remained untold. There are people in this country who want it to remain that way—untold.

Here is where the Senator from Wisconsin comes in. What is it that distinguishes his attacks on the Communist and pro-Communist problem? If I may put it simply and in a single phrase, it is the fact that the Senator has never drawn back from an investigation even though he found that it was leading him to the highest sacred cows of American politics. He has not flinched from risking a finish fight with men who were powerful enough to destroy him politically when he found that, through stupidity, or through an unexplained softness toward Russia, they were making decisions which were weakening

America and strengthening Moscow. I concede that this is not good politics on the Senator's part, but it is inspiring and heart-stirring Americanism.

The junior Senator from Wisconsin learned early in his career as an investigator of communism that it was not enough merely to identify the card-carrying members of the party and to immobilize them. The FBI was and is doing a magnificent job along those lines with means far superior to anything which could be commanded by an individual Senator. What the junior Senator from Wisconsin believed was important for the Congress to focus upon was the identity of the men who consciously or unconsciously were behind the Communists. He found that in every important Communist situation there invariably was some high-placed Government official who, either through inefficiency or willful tolerance of communism, had helped the Moscow tyrants. He believes that these weak links in the chain of American security constitute a threat equal to and even greater than that posed by all the adherents and disciples of communism.

In keeping with this belief, he felt that one Army official who could protect and promote a Major Peress was a far greater risk to the United States than the major himself. He felt that one unknown in the Pentagon who could punish and drive from the Army a superb officer like Maj. Gen. Kirk B. Lawton because he cooperated too helpfully in an effort to purge security risks from a sensitive Army radar establishment, was a truly dangerous man to hold authority in this period in which we are living. He felt that one official in the State Department who could issue an order preventing the FBI from arresting Arthur Alexandrovich Adams, the mastermind of the first Soviet atomic spy ring in this country, when they had him cornered in February 1945, and who could connive in his escape from the United States with full information about the Manhattan engineering project, was a risk to America and as deadly as Adams himself. He felt that one official of Government who could sit in Washington and issue handcuffing orders to General MacArthur and General Clark and General Van Fleet, which required them to permit the Communists to win the Korean war in which 142,000 American boys had suffered death or injury, was doing more to help Russia and to weaken America than all the Communists in America. He felt that an American Secretary of State who could declare that he "would never turn his back on Alger Hiss," even after Hiss' conviction, was not the man for that job.

It is safe to go after the minnows, but it is not so safe to challenge the marlin or the whale. Had the Senator been a mere careerist, it would have been so easy for him to have won the plaudits of some of the men who are now reviling him. All he would have had to do would have been to create an imposing record of exposing and publicizing the little men of communism, the men who, by taking on the Communist label, can actually do little to influence American events. As a watchdog against the Fosters and

Flynns and Dennises and Nelsons, he could have made a great name for himself as an anti-Communist fighter without acquiring any powerful enemies capable of Washington reprisal.

But the Senator has not been overawed by the usual "don'ts" and the taboos of the Washington game. He, along with others, cannot see any logical reason for hunting out some of the Communists if, at the same time, we are going to shield and whitewash incompetents in bureaucratic offices whose costly decisions have given international communism victories at the expense of America which it could never have won on its own.

This is the basic issue with which we are faced. This is the issue on which we are actually asked to act in the Senate today. I suggest that Senator McCARTHY is facing a censure vote in this body because he has put his finger fearlessly upon the men in high places who, through stupidity or muddled ideology, have stood in the way of an all-out fight against communism both in America and abroad.

Let me remind the Senate what one great American has said about this man whom we are now asked to censure:

McCARTHY is a former Marine. He was an amateur boxer. He's Irish. Combine these and you're going to have a vigorous individual who is not going to be pushed around. Certainly he is a controversial figure. But he is earnest, he is honest, and he is sincere. He has enemies. Whenever you attack subversives of any kind you're going to be the victim of the most extremely vicious criticism that can be made. I know that, sometimes, a knock is a boost. When certain elements cease their attacks on me I know I am slipping.

The man who said that was J. Edgar Hoover, and he said it in San Diego, Calif., in 1953. I might suggest to the Senate at this time that if this censure movement against the junior Senator from Wisconsin is successful the next attack will undoubtedly be made upon this great American who has done so much for our Federal Bureau of Investigation.

When McCARTHY's hand was first laid on the sacred cows in Washington, it was not long before he felt the shattering force of the counterattack. It came in the sensationalized motion for expulsion by ex-Senator Benton. It was added to by the noncommittal investigation by the committee which shrank from making any report to this body after they had listed all of the unproven charges in the Nation's newspapers for careless readers to mistake for a Senate committee verdict. It was continued in the 9-week ordeal of the Mundt committee hearings which ended with no condemnation of the Senator himself, but with recommendations whose effect wrecked the staff of the McCarthy committee. It reached its climax in this present committee probe, which nobody wanted, except these strange masterminds, but which has been allowed to consume the time of the United States Senate at a period when there are far more important things to be discussed than those contained in this motion for censure. It is hard, therefore, to escape the conclu-

sion that this determination to destroy the junior Senator from Wisconsin is tied up with the powerful enmities which he has won in his attempt to smoke out the Government softies on communism.

Of course, JOE McCARTHY has made mistakes. What man in the fierce glare of publicity which surrounds a Senator has not? Let the Members of this body search their own consciences and say whether or not they themselves have not made mistakes equally regrettable. Certainly, in this case the mistakes have been mistakes of zeal and not of timidity. They have been mistakes of the head, but not of the heart.

Concerning the remarks of the junior Senator from Wisconsin about the Senator from New Jersey [Mr. HENDRICKSON], I am reminded of a saying we have in the West, "When you call me that, smile." The Senator from Wisconsin has made certain remarks about the Senator from New Jersey. If I were Joe, I would walk over to Bob and say "I am awfully sorry about what happened." I would stand up and get it off my chest. I do not believe it was said with any feeling of malice.

Let us take just one instance of the Senator's alleged mistakes, which has been highlighted by this committee report. Let us look at the Zwicker case. Let me say at the outset of this portion of my discussion that no Senator in this group holds greater admiration or respect for the uniform of the Armed Forces than I do. I have been in the reserves and on and off regular duty for a period covering 25 years, and in that time I have acquired the utmost respect for the men who wear the uniform of the United States from the rank of private to the highest general.

So my remarks at this point are to be construed not so much as a criticism of General Zwicker, but rather as a defense of the attitude the junior Senator from Wisconsin took when the general appeared on the stand before him. If one reads the transcript of the Zwicker examination, it should be clear that the Senator could not, in all honesty, have taken any other position in the matter. The information which Senator McCARTHY was trying to extract from General Zwicker was the name of the man in the Pentagon who had recommended the promotion and honorable discharge of Major Peress, a fifth-amendment Communist. The question was important because McCARTHY's own committee, suspecting that Peress would try to evade Army discipline for his fifth-amendment pleading before the committee, had sent a letter to the Pentagon on February 1, warning the Army to be prepared for such a move by Peress and asking that Peress be held in the Army pending preparation of court-martial papers. On the very next day, acting with unexplained haste, General Zwicker, at Camp Kilmer, signed honorable discharge papers for the suspect Communist dentist. The implication was that someone at the Pentagon had issued an order after the receipt of the Senator's communication instructing the general to do so.

I might suggest at this point that the name of the person who authorized the

honorable discharge for Peress has still not been made known either to the United States Senate or the people of this country. This is but another part of the smokescreen that has been successfully thrown up by the Communists to evade the real issue in this whole matter. It would be supposed that if a mistake had been made the general would have been just as anxious as was the Senator to clear it up. After all, the general had an outstanding World War II record and his loyalty had never been questioned, nor has it been questioned to this moment, nor is it now questioned. He could have had no possible motive for covering up a blunder which aided a suspected Communist.

As the head of a Senate investigating committee questioning the general, with the full authority of this great body behind him, Senator McCARTHY had a right to expect the general's cooperation, just as he had had the cooperation of many fine Government officials in other phases of his investigations. But the Senator did not receive such cooperation. In reading the testimony of that hearing, one gathers that the general took the stand determined to shut the door on all further investigations of the Peress case. When asked whether he knew that Peress was a fifth-amendment Communist, he gave three different and conflicting answers at different points of the questioning. His final answer was, "Yes; I know that he refused to answer questions about Communist activity."

The statement, however, which provoked the most widely criticized McCARTHY remark, and the remark for which we are asked to censure him, was the general's reply to a hypothetical question. Since this is the hinge of the whole case against the Senator concerning the general, let me read the Senator's questions:

Let us assume that John Jones is a major in the United States Army. Let us assume that there is a sworn testimony to the effect that he is a part of the Communist conspiracy and has attended Communist leadership schools. Let us assume that Maj. John Jones is under oath before a committee and says, "I cannot tell you the truth about these charges because, if I did, I fear that might lead to incriminate me."

Then, let us say that General Smith was responsible for this man receiving an honorable discharge. Knowing these facts, do you think that General Smith should be removed from the military or do you think that he should be kept on in it?

Then, after a rather involved interchange between the Senator and the general, during which time the hypothetical question was reread to the general twice, the general finally replied: "I do not think he should be removed from the military."

That was a shocking answer to come from a general of the United States Army. I do not believe the general would have made it had he given it more thought, but the fact remains that he did say that he thought a person originating an order to give a suspected Communist an honorable discharge should remain in the military. It was an answer that I feel would have shocked any man who ever wore the uniform of any

branch of our services and an answer which should have aroused deep national concern.

Is there wonder then that Senator McCARTHY burst out in unpremeditated rebuke to say:

Then, General, you should be removed from any command. Any man who has been given the honor of being promoted to general who says I will protect another general who protected Communists is not fit to wear that uniform, General.

Let us admit that the language was extreme, but let us at the same time admit that the provocation was as extreme as well. Admit, too, that it would have been more politic of Senator McCARTHY to have talked guardedly to a general who, it was later revealed, had extremely powerful and vengeful friends at the Pentagon.

Could the Senator, in self-respect, have permitted the general to get away with such a revolting exhibition of moral obtuseness toward the Senator's fight to protect the Nation against communism? Was not the general, by his repeatedly uncooperative answers and evasions, showing a contempt, not alone for Senator McCARTHY but for the whole United States Senate, which the Wisconsin Senator symbolized in this situation? And yet, by curious illogic, waving aside the plain evidence of the written transcript, the Watkins committee reached the conclusion that it was Senator McCARTHY who had dishonored the Senate in this instance and not the general.

Could a Senate committee more completely miss the whole point of the investigation of subversion in the Armed Forces which the Senator was trying to conduct and which the general and his as-yet-unnamed backers were trying to divert? No one wants to get into a controversy with the Army or any other branch of the armed services, but this is not to say that the Army is a closed sanctuary hermetically sealed to inquiry into which the authority of the Senate cannot enter. We are not a totalitarian state; we are a constitutional republic. There are no closed areas in our Government which the people's representatives cannot enter. There are not officers so exalted that they can disdainfully refuse the inquiries of the United States Senate.

Over the whole Peress case there hovered a nauseating atmosphere of incompetence and unconcern in high Pentagon places which would have shocked to strong language an even less outspoken Senator than Senator McCARTHY. Let us see what Secretary of Defense Charles Wilson said about the Peress case. In a letter released by the Senate Armed Services Committee on April 1, 1954, Mr. Wilson wrote as follows:

Dr. Peress should not have been commissioned, and would not be commissioned under present regulations. Since he should never have been commissioned in the first place, he should not have been promoted while he was being investigated.

As to the type of discharge given Dr. Peress, the Army reports that an honorable discharge was selected because it was the quickest way to get him out of the service and because, in the opinion of the Judge Advocate General, court-martial action was not clearly justified, and that board action,

even after protracted proceedings, might not result in a finding that would warrant a less-than-honorable discharge.

Then, after stating the Pentagon case as favorably as possible, Mr. Wilson closed with these highly significant words:

My review of all the available facts of this case makes it appear that this judgment was faulty.

Let us give General Zwicker all the benefit of the doubt that we can possibly allow. The fact remains that his stony silence before the committee was motivated by the desire to cover up high-level incompetence in the Army in this malodorous case. He knew, just as Secretary Wilson knew, that someone had horribly blundered. Yet, his conception of official ethics led him to protect the blunderer and keep him in high office, rather than to help a committee of the United States Senate to turn the clean light of publicity on the whole situation.

If these are the motives which are to actuate the men high in our Armed Services, then there is indeed reason to tremble for the future security of our Nation. Courageously, and at great personal cost to himself, the junior Senator from Wisconsin has brought this fundamental issue of the relations between the Armed Forces and the Congress of the United States into the searching arena of national consideration. I venture to say that whatever happens to the Senator personally, this issue will remain there until it is answered correctly.

Does any recognition appear in this report of the fact that here was a United States Senator, representing this august body, who was being refused information which he was trying to secure for the guidance of this body by an officer who was balancing himself on a tightrope of unconvincing technicality? It does not.

Here we have the unusual spectacle of a Senate committee which, in a question involving the prerogatives of this Senate, fails to back up the chairman of a Senate committee and prefers to give the benefit of the doubt to an evasive Army witness who was putting on an act to thwart the Senate in securing essential information. It says, in effect, that the General must be vindicated because he was protecting his superiors, but McCARTHY must be condemned because he was trying to protect the Senate. In the report, and I quote from conclusions on page 61, the select committee says that the "conduct of Senator McCARTHY toward General Zwicker was reprehensible and that for this conduct he should be censured by the Senate." This conduct was unpremeditated and was provoked by an admission by the general that I feel would have caused any wearer of the uniform, or, for that matter, any citizen of the United States, to take exception to it in a degree varying from, at the very least, surprise to outraged indignation.

Let us turn now to page 46 of the report under "Conclusions," I quote again:

The remarks of Senator McCARTHY concerning Senator FLANDERS were highly improper. The committee finds, however, that they were induced by Senator FLANDERS' conduct in respect to Senator McCARTHY in the Senate caucus room and in delivering

provocative speeches concerning Senator McCARTHY on the Senate floor. For these reasons the committee concludes the remarks with reference to Senator FLANDERS do not constitute a basis for censure.

Here we find a very strange situation. The committee finds in one instance that remarks induced by a Senator's conduct in respect to Senator McCARTHY do not constitute a basis for censure against Senator McCARTHY, but, within a few pages in the report, we find that remarks of Senator McCARTHY induced by a highly questionable answer by a general do call for censure.

Before we accept such an extraordinary conclusion, let us consider for a moment what we are getting ourselves into. To establish the precedent that a Senator is to be publicly censured by this body because he is a vigorous prober for information of incompetence and wrongdoing in the Government cuts at the heart of every investigative committee. Since when have we become so soft as a Nation that we wallow in maudlin grief when a defiant witness cries "Foul"? Somehow it seems to me that we have been through all this before.

Before we vote for censure, let us remember another committee which made a glorious contribution to the security of this Nation in another critical American day. I refer to the Joint Congressional Committee on the Conduct of the War, which was appointed in the early, dangerous days of the War Between the States. Here is what the official biography of Abraham Lincoln, by Nicolay and Hay, has to say about it:

This committee, known as the Committee on the Conduct of the War, was for 4 years one of the most important agencies in this country. It assumed, and was sustained by Congress in assuming, a great range of prerogative. It became a stern and zealous censor of both the Army and the Government. It called soldiers and statesmen before it, and questioned them like refractory schoolboys. * * * It was often hasty and unjust in its judgments, but always earnest, patriotic, and honest. It was assailed with furious denunciation and defended with headlong and undiscriminating eulogy. And on the whole it must be said to have merited more praise than blame.

There is nothing new in American politics in a congressional committee which, like the Senator's committee, is vigorous, earthy, and unafraid. Such committees have been in the long and honored tradition of this body. What is new is the crybaby witness who runs to the Pentagon crying for help against the bad man McCARTHY, who had actually talked rough to him. What is new is a committee of the Senate which asks us to censure this Senator for his vigor and zeal, and not to praise him.

How flabby and how foolish have we become?

It is not easy to follow the rather involved logic of the special committee recommendations in the matter of the general. As we read them, we seem to find ourselves in a world of upside-down values. In that world, a general, and a man who tried to withhold information from the United States, appears as a hero. McCARTHY, a man who tried to turn the searchlight on the guilty par-

ties, appears as a villain. In the Watkins report it is the men who covered up the higher ups, who were soft in their policies toward Communists, whom we are asked to vindicate. It is the challenger of communism whom we are asked to condemn. I cannot see it. I have no standard of values by which such a preposterous 2 and 2 add up to 4.

Whenever the Senate is asked to make a decision so solemn and so far reaching as this, it is important that we ask ourselves whether we have carefully thought out the steps which we are asked to take. The smear shouts and the billingsgate against McCARTHY, the man, have been so shrill that at times I am convinced we have forgotten the real inescapable issue in this whole matter, which is the fight against communism.

But certain truths stand out like an incandescent beacon in this matter. Let me briefly state them:

First. It would not be good Senate policy to condemn McCARTHY. There can be no blinking the fact that the precedent which we establish in repudiating the Senate committee chairman when he is seeking to dredge out the truth about incompetence in the executive branch is a precedent which will return to haunt us. Many Senators, for various motives, may be reluctant to go along with JOE McCARTHY in some of his anti-Communist takeoffs. None, I think, will want to take official action which will shrivel the authority of the Senate to investigate. Without that authority, this body would decline into a mere shadow of what it had once been. Without that authority vested in this body, the executive branch would achieve an immunity to checkup and legislative watchfulness which would disbalance our whole Constitution.

Woodrow Wilson recognized this truth when he wrote:

The informing function of Congress should be preferred over the legislative function.

A censure of the chairman of the Government Operations Committee will strike all of us. And when that censure is voted, not for corruption or malfeasance, not for the breaking of any existing rules, but for excessive zeal in carrying out his proper function as an investigator for the Senate, it is doubly senseless. With such an act blazoned on the record, no future Senate investigator would feel safe to pursue his probe relentlessly when he runs into the storm-head of executive branch displeasure and retaliation. Our committees will find it more expedient to play safe and go along with the Executive. With this censure as a spectacular sign that their Senate will not stand behind them when the smut guns begin to shoot, what investigator will risk his career? We will find ourselves in a twilight period of dead-end probes and whitewash investigations, and Senate prestige will decay.

I ask in all sincerity, Is a scoring off of grudges against Senator McCARTHY worth this unthinkable price?

Second. It would be bad Americanism to censure McCARTHY. Today, as never before, the American people need desperately to present a united front to

overseas nations on the Communist issue. Strange and ominous forces are at work trying to sell the poisonous doctrine of coexistence with communism to our supposed allies. The bitter fruit of 6 years of ECA and MSA, and \$7,707,000,000 of the United States postwar hand-outs to France, has been Premier Mendes-France's apparent retreat from an American alliance to a neutralist and bargaining position in continental Europe. The visit of the man who may be Britain's next Premier, Clement Attlee, to Molotov in Moscow and Mao Tse-tung in Peiping, shows the weakening loyalties of large sections of the British people, in the face of Communist trade prospects. Everywhere, in Europe and even in Japan, the insidious trader is at work, trying to whittle away the determination of the free nations to stand with the United States in an unbroken front against further appeasement of aggressive communism.

The thing which would mean the final collapse of all that we have done abroad since 1947 to build unconquerable defenses against the Kremlin would be a domestic retreat of the American people from their present united stand against communism. It would be the return of the appeaser, or the coexistencist, as he is called today, to positions of power and authority in the United States Government. It would mean the reappearance of the prototypes of the Alger Hisses and the Harry D. Whites and the Lauchlin Curries to the policy posts of our Government.

Do not think that this is fantastic. America's present solidarity against communism conceals many weak and dangerous spots in our public-opinion map. Do not think that the "trust Stalin" people of the war and Yalta period all had a change of heart on Russia when we went into the cold war. They adopted a protective coloration. They went into storm cellars. They put on the anti-Communist label so that they could survive as a political or a journalistic force. They are all ready to leap into action and set up a clamor for a new coexistencist policy toward Russia and Red China when the psychological moment arrives.

How can we know them? They are now almost invariably anti-Communist. Under their mask of anti-Communists, they do an "around-the-clock" job blackguarding the dedicated men and women who do the real work of anticommunism in this country. They seek to discredit the effective "Red" fighters in America. They spend their time abusing Bishop Fulton Sheen, Walter Winchell, John T. Flynn, Clarence Manion, George Sokolsky, Russell McGuire, Frank Hannigan, Fulton Lewis, David Lawrence, Alfred Kohlberg, Dr. Fifield, and the other men who are doing a standout job against communism in America.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield to the Senator from Wisconsin.

Mr. McCARTHY. I wish to apologize to the Senator for interrupting, but I am racing against time. I am due to catch

a plane in order that I may attend a testimonial dinner to be given tomorrow evening by the GOP Clubs, Inc., and members of the Young Republican Clubs of Milwaukee. I dislike very much having to leave before the Senator from Arizona has completed what appears to be an excellent speech. I want him to know I appreciate very much his making his views known. While I shall not be able to hear the remainder of his speech, since I must leave, he can be assured that it will be the first thing I shall read when I return to Washington.

Mr. GOLDWATER. I wish to thank the Senator for his kind remarks, and I also wish to congratulate him on having a State to go to that still has in it some Republicans. [Laughter.]

Mr. President, resuming my comments about those who pose as anti-Communists when really they are blackguarding the efforts of the real anti-Communists in the United States, they hurl vitriol at the American Legion, the DAR, the Veterans of Foreign Wars, and the other great national bodies which are holding the line against Communists and pro-Communist maneuvers in our American life.

And always and everywhere the anti-anti-Communists are against Joe McCARTHY. They are the shock troops of the present smear drive which has led to this special censure session. Their papers and magazines, their organizations, and their forums are the incubating points for the big lies about this Senator.

This is the national background against which we meet in this session to consider the censure of JOSEPH McCARTHY. This is the climate of opinion which is building up around us in wait for the day when America can be induced to relax its vigil against Communist aggression.

Is it necessary to point out what the immobilization of Senator McCARTHY at this moment of national decision may mean to the friends of Russia? Like him or not, McCARTHY is the strongest voice now speaking out in America against communism. Agree with his methods or not, he represents a power against the Kremlin in this country which nothing on the present national horizon can replace. To remove such a man from honor and influence in America at this juncture would be a strong victory for Moscow in the field of American public opinion. To bring about a situation in which the United States Senate could be induced to vote for a resolution of censure against his anti-Communist activities—and that is exactly how it would be represented over the Communist airwaves—would be a propaganda triumph for the Attlees, the Mendes-Frances, and the double-talking, coexistence-with-Russia crowd here at home, which could be incalculable in its consequences.

Can we afford to hand this propaganda triumph to Malenkov just to soothe the ruffled feelings of the Pentagon or to save the face of the defunct 1952 Gillette committee? I do not think that we can. I do not think that many of my colleagues in this body, after they have seriously weighed alternatives, will feel that they can do so.

There has been much talk throughout this entire episode about the encouraging effect upon our allies if word comes to them that the Senate has repudiated McCARTHY. May I suggest that this is the feeblest and most vicious argument that can be made for a McCARTHY censure. The allies who would be heartened by a Senate slap at McCARTHY are allies who are praying for the day when America will stop its nasty fight against communism and allow Europe to resume strategic goods trade, with its fabulous profits, with the Iron Curtain countries. The Europeans who would rejoice if we humiliated McCARTHY are the Europeans who are not with us in our anti-communism anyhow. It is true that my colleagues in this body can curry favor with the Red Dean of Canterbury if they vote anti-McCarthy. But can they, by so voting, bring new heart to the millions of little Americans who are watching what we are doing today, and who are hoping against hope that we will not make another tragic blunder?

I have sincere and deep respect for the six Senators who uncomplainingly executed their hard task on the Watkins committee. I know they weighed the evidence carefully, and that they voted according to their consciences, but I cannot bring myself to believe that they saw the action which they recommended against the Senator in the broader historic matrix which should have been uppermost in their thoughts. I cannot believe that they counted the staggering consequences which may flow from the ill-considered step which they have asked the Senate to take. Let us lift this decision out of the obscuring tangle of trivia into which, unfortunately, it has been placed, and let us weigh it in the broad terms of national good. Let us face the fact that a field day against Senator McCARTHY in the Senate may well turn out to be a field day against America's global anti-Communist policy.

Over the earth today, the strong winds of destiny are blowing. They are reaching the Senate Chamber today as we make our historic decision on the pending resolution.

SUSPENSION OF DAILY PRINTING OF LEGISLATIVE CALENDAR

Mr. CARLSON obtained the floor.

Mr. KNOWLAND. Mr. President, will the Senator yield for two unanimous-consent requests?

Mr. CARLSON. I yield to the distinguished majority leader for that purpose.

Mr. KNOWLAND. I have discussed the first request with the minority leader. We were informed that the daily Legislative Calendar, which is to be found on the desks of Senators, must be printed each day with merely a change in the date, since no proposed legislation is being reported. To do that costs \$92.14 a day for the printing of this document.

Upon further investigation we found there is a rule, which was adopted by the Senate on February 5, 1880, that the Senate must have a daily Legislative Calendar, and that the only way we could do away with it would be by obtaining

unanimous consent for that purpose at this time.

With that explanation, I ask unanimous consent that for the duration of the present session or so-called recess session of the Senate, the printing of the Legislative Calendar of business each day be dispensed with.

The PRESIDING OFFICER (Mr. BUSH in the chair). Is there objection? Without objection, it is so ordered.

Mr. LANGER. Mr. President, will the Senator from California yield for a question?

Mr. KNOWLAND. I yield.

Mr. LANGER. Will we be notified in case any nominations are reported to the calendar?

Mr. KNOWLAND. Yes; there will be such notification.

RESOLUTION OF CENSURE

The Senate resumed consideration of the resolution (S. Res. 301) to censure the junior Senator from Wisconsin.

Mr. CARLSON. Mr. President, as a member of the select committee, I wish to make a few observations. I sincerely hope, I may say to my colleagues who are interested in having the Senate take a recess at about this time of the day that my remarks will not take more than 15 or 20 minutes, and I trust that I may proceed without interruption in presenting the statement I have prepared.

First, I wish to make it definitely clear that I did not seek a place on the select committee. As a matter of fact, I urged the leadership to select some other Senator. I can think of no senatorial duty that is more onerous, more undesirable, and more difficult than to be required to sit in judgment of one of our own colleagues.

Second, I have the highest regard and admiration, personally, for the junior Senator from Wisconsin; and on many occasions I have stated he was rendering the Nation the highest service in calling to its attention the Communist menace.

Furthermore, I can honestly state that I accepted the position on this committee without bias or prejudice toward the junior Senator from Wisconsin.

The decisions I arrived at were the result of the evidence presented at the hearings and the findings following the discussion of the charges, participated in by every member of the committee in the executive sessions.

Mr. President, it is not my purpose to launch into an elaborate speech; and I do not accept the suggestion that I or any of my colleagues on the committee have any duty either to defend the report or to "make a case," as the distinguished junior Senator from Illinois phrased it the other day.

As a matter of fact, I conceive that the report speaks for itself. The committee framed it with that end in view; and I gather that many thousands of persons off this floor have found it so.

It would appear that the gentlemen of the press, radio, and television have generally treated it with respect, and even approval.

This does not mean that I regard it as necessarily proof against all criticism;

quite the contrary. But I believe it is an adequate report, honestly and conscientiously prepared, in the light of factual evidence, all of which is set forth in complete detail in the record of the hearings.

All the law which was called to our attention, either by our staff or by the junior Senator from Wisconsin or his able counsel, is set forth in the report in the same completeness that it was cited to us. The application of these legal precedents to the five particular categories of inquiry was discussed in place, and every finding of the committee and its conclusions therefrom will be found under each category of charges, just where one would expect to find them. It is all in the English language, and he who runs may read.

I am, therefore, a little impatient with any defense which makes its point by attacking either the intelligence or the sincere intentions of the committee, or seeks, by questions coupled with self-serving speeches in the guise of seeking information, to discredit the authors as a means of discrediting their product.

I expect to be courteous, and will try to answer any questions that I can from any Member of the Senate, provided I may do so on the basis of the evidence. I reserve the right to decline to answer any questions which may seem to me to be improper.

I question whether the members of this committee owe any obligation to answer such questions, except as any of them may desire to amplify his individual views beyond the unanimous joint views therein expressed.

After all, the Senate asked, not for our individual views, but for a bipartisan investigation and report. Insofar as that contemplates joint action and collective judgment, it was supplied in full measure in a unanimous report. Of course it would have been proper for any of us to have filed any statement of individual views, either concurring in or dissenting from the majority's judgment. But in the absence of any such variance of opinion, I might readily be persuaded that the situation does not call for individual interpretation. All the members did in fact concur, and I am sure they did so in good faith. It is, therefore, no disrespect to the junior Senator from Wisconsin or to any other Senator for me to be selective in any individual answers.

I have devoted a few minutes to this aspect of my personal views, to avoid any personal controversy later. But I have some other views which I regard as of more lasting importance. I shall state these briefly.

I wish to bear personal testimony to the fact that, having sat in on all meetings of the committee, executive and open, I think I heard every word spoken there by any person, either of the committee or of its staff; and I assert and affirm that in no act or conduct did any of us or any of them deviate in any way from a careful and conscientious effort to elicit all the facts fairly and completely in accordance with their best judgment as to what was material and relevant to the inquiry.

Also I can bear witness that the common judgments of my colleagues were arrived at in a completely tolerant and even sympathetic attitude toward the junior Senator from Wisconsin, as witness their significant decisions to refuse affirmative recommendation on the basis of the charges involving improper solicitation of classified information from public employees, or the charges of the illegal misuse of a classified document, or the charges of offensive remarks about the Senator from Vermont [Mr. FLANDERS].

What I do not assert—and only because it would be unbecoming for me to do so—is that their collective conclusions as to the ultimate merits of the case were sound, provident, reasonable, and reflective of senatorial traditions. My reticence grows out of the fact that they were also my own conclusions. But, after all, that is the question for the Senate, not for any of us, to decide.

If my colleagues of the Senate, through their examination of the report and the hearings, or from the course of the debate, conclude that the committee was justified in its conclusions, then the only remaining question will be whether the Senate will follow the committee recommendations as to appropriate action. That is the \$64 question—not any of the legalistic inquiries with which the committee is now being confronted.

My second point would be to remark how hollow and strained these insinuations about our being "unwitting handmaidens of communism" must sound to our colleagues. They know whether we are stooges of communism; and they know we are not—not any of us. Then why must we submit to being called so without protest, because the phrase "unwitting handmaidens" is synonymous with a shorter and uglier word, and I think it was so intended.

The distinguished junior Senator from Wisconsin is so convinced of the theory that any criticism of him is somehow traceable to the Communist conspiracy that he cannot explain even a senatorial investigation, under a constitutionally imposed duty, in any other way. But all the other Senators are not bound to accept that theory, or to withhold their support from conclusions which in themselves are self-explanatory—not even though all of us know that there are Communists, that they constitute a present danger, and that they hate both the junior Senator from Wisconsin and this very Senate.

It seems to me that the junior Senator from Wisconsin should refrain from thus imputing to me and my committee associates any such conduct, clearly unworthy and unbecoming Senators, if for no better reason than because it constitutes a clear breach of our rule XIX (2) and is therefore out of order.

Let me recite some of the details which impressed me during our investigation. For example, I had heard something of the Zwicker incident when it happened. Our staff developed exactly what transpired at Senator McCARTHY's executive session in New York on February 18 last past. This information was supplied from the hearing records themselves. It

was obvious that Senator McCARTHY was, or became, irate at General Zwicker, and that the latter was laboring under some difficulty in meeting the Senator's expectations of him as a witness.

We also noted that Mr. Roy Cohn, the Senator's chief counsel, could and did, at the same time, examine the general without any difficulty developing between them. But this might or might not be significant, just as the fact that the Senator was himself then worried by an accident his wife had suffered the day before, might have some significance.

But General Zwicker was himself called as a witness before us, and we had ample opportunity to observe him closely. I think it would have been difficult for any of us to have concluded that he was, or ever had been, "unworthy to wear that uniform." He displayed an intelligence considerably beyond that of a "5-year-old child," and he demeaned himself with a poise and dignity befitting his rank, and certainly without arrogance.

But right there before our very eyes we observed again the difficulty which observance of his orders and his proper regard for the orders of his higher command enforced upon him. And very shortly afterward we heard Senator McCARTHY recite his story of the incident, and observed that neither time nor his wife's happy recovery from her accident had in any way modified his antagonism against this officer.

It was, in consequence, actually harder for me to understand the reason for Senator McCARTHY's outburst against him at the earlier hearing, than to conclude that the tirade against him at the February meeting and the feeling again displayed by the Senator at our hearing, was other than reprehensible, as our committee found it to be.

Another detail. There was the matter of a telegram or two involved in the Hennings-Hayden-Hendrickson committee aspect of our inquiry. If I had not been present at the hearings, I might have been persuaded in the course of the debate last Monday that somehow our committee or our staff had sought to take some unfair advantage of Senator McCARTHY. The truth was that there were two telegrams. One was prepared, addressed to Senator McCARTHY, and printed in the Hennings-Hayden-Hendrickson report, but actually not sent. Another, also addressed to Senator McCARTHY, dated November 21, 1952, was duly sent, and belatedly received by the addressee, but was not printed in the report of that committee.

This dilemma did not develop in our initial investigation, but before it came time for our counsel to offer the telegram quoted in the Hennings-Hayden-Hendrickson report, it was discovered not only unsent but so marked in pencil, among the original papers of that committee, and when further investigation disclosed the further fact that a later telegram had been sent, our staff called for it from Senator McCARTHY, offered it in evidence, and stated that the other telegram, originally cited from the Hennings-Hayden-Hendrickson report, had not been sent.

Senator CASE added the final touch. He noted that the index of the exhibits of the Hennings-Hayden-Hendrickson report referred to only one telegram, namely, the one dated November 21 and actually sent. He suggested that some error had occurred when the report was prepared, and Senator McCARTHY himself at the hearings praised the fairness of the committee staff in these words:

Mr. Williams, in connection with this, I would like to compliment counsel for the committee in that they honestly gave us information which we did not previously have, namely, that this [telegram] was marked "not sent." It was not sent.

I move on now quickly to my fourth point, which is the last I wish to develop just now.

Quietly, without any bombast, emotion, or self-righteousness, I appeal to the body of the Senate that we shall not permit ourselves to descend into a factional controversy at this stage of this particular proceeding.

We can certainly solve this problem without the sacrifice of the dignity of this Chamber. If the facts reported to the select committee warrant acceptance of its recommendations by the majority of the Senate, we should, as promptly as possible, settle upon this conclusion. Any prolonged rear-guard action will be misunderstood and misinterpreted by our constituents. If, on the other hand, the majority of the Senate becomes impressed with the arguments against that conclusion, they should equally promptly and equally firmly terminate this business. The people of the United States will welcome a conclusion; they assume this body is capable of such a disposition; and I believe they would accept either alternative more easily than they would any undue prolongation of this session, much less any failure to reach a decisive answer.

Mr. CASE. Mr. President, I wish to express my appreciation for the very thoughtful and sincere address by my colleague on the committee. I should like to ask him a question at this time. Will the Senator from Kansas yield for questions now, or does he prefer to wait until Monday?

Mr. CARLSON. I am, of course, willing to do whatever the Senate wishes to do. I shall be here Monday, and I am willing to leave myself open to questions. In view of the fact that the junior Senator from Wisconsin left the Chamber, which I regret, I think I should say that he should have an opportunity to interrogate me if he so desires. I shall be present on Monday, if that is agreeable to the leadership.

Mr. KNOWLAND. Mr. President, if the Senator from Kansas will yield to me at this point, I had previously discussed the subject with the distinguished Senator from Kansas, who said that he would like to be able to make his remarks this afternoon. I told him that I had planned to move to recess the Senate at approximately 5:30. He said he would be glad to be available on Monday when the Senate reconvenes. Unless there is serious objection—

Mr. WATKINS. Mr. President—

Mr. KNOWLAND. I shall not make my motion until the Senator from Utah

has been heard. I wish to complete my statement.

Mr. WATKINS. I had been trying to get an opportunity, after other Senators on the schedule had made their speeches, to make a brief statement. I have an important statement to make in connection with this case.

Mr. KNOWLAND. I shall not move to recess the Senate until the Senator from Utah has had an opportunity to be heard. I should like to complete my statement.

Mr. WATKINS. My statement will require about 5 minutes.

Mr. KNOWLAND. Certainly as a courtesy to Senators who have anything to place in the RECORD, or who wish to make brief statements, I shall not move to recess the Senate until they have had an opportunity to be heard. However, when the Senate completes its work today, it will be my intention to move that it take a recess until 11 o'clock a. m. on Monday next, to proceed with the debate at that time.

Mr. WATKINS. Mr. President, I have two principal concerns with reference to the matter now before the Senate. One is that the Senate analyze the facts upon which the select committee based its recommendations for censure, and the other is that the Senate debate and pass judgment on this very important matter in a dignified and judicial manner.

Wednesday, for a long period of time, I submitted myself to interrogation by the junior Senator from Wisconsin, yielding to him repeatedly for the purpose. I did this as a matter of courtesy to the Senator, but I believe he abused that courtesy. I had hoped that he would submit to me questions which would enlighten him or the Senate. I did not then intend, nor do I now intend, to engage in a personal wrangle with the junior Senator from Wisconsin, nor do I intend to be placed in the position of a prosecutor when my sole responsibility is to carry out an assignment which was given me by the Senate of the United States and by the select committee.

I am willing, and I know every member of the select committee is willing, to be helpful in any way possible, and to explain matters which may require clarification. But we must be permitted to explain them in our own way, and at times of our own choosing. Under Senate rules we are entitled to do that. The unanimous and nonpartisan judgment of the committee, its precise and specific findings of fact, and all of its conclusions of law, are set forth fairly, clearly, and dispassionately in the committee's report. It is this which embodies the committee's views; it is a joint and collective production, and certainly not alone my individual views, or those of any other individual member. It was unanimous. If any argument is required to sustain the recommendations of the select committee, that argument is set forth in the report itself.

Under the rules of the Senate, each Senator is entitled to speak without interruption. He may yield only as a courtesy to answer genuine questions asked in good faith. I yielded for that purpose Wednesday. I am aware of the fact that the pending present matter is not an ordinary legislative proceeding.

It is certainly judicial in nature and, in my opinion, requires decorum and a dignity in keeping with that conception. This cannot be maintained, as I view it, when there are personal wrangles between the Senators participating in the debate, or when one Senator wrongfully accuses another, on the floor and in a nationwide telecast, of running out on questioning, after the Senator so criticized—myself—had patiently submitted to virtually a half day of repetitive questioning on Wednesday.

In fact, I even made this offer on the afternoon when I requested a brief respite from the questioning, which I quote from the CONGRESSIONAL RECORD of Wednesday, at page 15932:

Mr. WATKINS. Mr. President, I was occupying the floor when the Senate took a recess. I have been on my feet with the exception of a brief interruption for the luncheon period, for a considerable period of time. I have extended courtesies to the junior Senator from Wisconsin in order to enable him to ask me questions. I do not intend to deny him the opportunity for further questioning, but at this moment I wish to yield the floor. Later I shall submit myself for questioning.

For this statement, made while the junior Senator from Wisconsin was on the floor, I was twice accused by him Wednesday of running out.

Therefore, I am stating now that I shall be ready and willing to answer questions that are germane, proper, and in good faith, which may be submitted to me in writing or which may be submitted during the course of speeches by participating Senators. I will give the answers on my own time and in my own way. I will try to take careful note of the questions which are propounded. By doing this I believe we can keep the debate on a higher plane and give better service in the way of information in reply to inquiries.

I yield the floor.

Mr. KNOWLAND. Mr. President, I wish to make a very brief statement at this time. When the Senate took its action in connection with the appointment of the select committee, the majority leader and the minority leader had the responsibility of making recommendations to the Vice President of the United States with respect to appointments to the select committee. The resolution appointing the committee provided that 3 members of the committee be appointed from the Republican side of the aisle and 3 members from the Democratic side of the aisle. I said at that time, during the course of the debate, that I felt every confidence in all the Senators who had been appointed, not only in the 3 for whose selection I had some direct responsibility, but equally in the 3 who were appointed from the other side of the aisle. I said I felt such confidence in them that I would personally be willing to go on trial for my life before the group as a whole, or before any one of them individually. My statement applied to the Senators who were selected from the Republican side of the aisle and to the Senators who were selected from the Democratic side of the aisle.

I do not retract one iota from the statement I made at that time. I have the fullest confidence in the patriotism, integrity, and devotion to duty of the Senators in carrying out their task, which none of them asked for.

Having said that, I also wish to say that the Senate of the United States has its responsibility as well. I am sure that each member of the select committee recognizes the fact that each Senator, in examining the testimony, in examining the evidence, and in listening to the arguments, must finally reach a decision on his own responsibility, in accordance with the dictates of his own conscience.

I have a very high respect for the Committee on Finance. I must add that when I mention the Committee on Finance I do not detract from any of the other committees of the Senate. The Committee on Finance, during the time that I have served in the Senate, has been headed either by the distinguished Senator from Colorado [Mr. MILLIKEN] or by the distinguished Senator from Georgia [Mr. GEORGE]. I know of no 2 Senators for whom the whole Senate has a higher regard than for those 2 distinguished senior Members of the Senate.

During the 9 years I have served in the Senate there have been a number of times when the Committee on Finance has made a report to the Senate which I have supported without a single change. There have been a number of times when I have supported amendments to the bills which that committee reported. There have been a number of times when I have voted against the proposed legislation which the committee had reported. There have also been times when I have voted for substitute legislation to that which the committee reported. In all the cases when I did not follow exactly the committee's recommendation I do not believe it was a reflection upon the committee or upon the distinguished chairman who presented the bill on the floor. I am sure neither chairman considered it was any lack of appreciation for their responsibilities or for their duties which prompted any Senator finally to come to a decision and cast his vote in that manner.

I wish to subscribe to the expression of hope, which has been expressed before, that this debate may be kept on a plane which is within the high dignity of the Senate of the United States.

Many grave constitutional questions confront us. Many questions on precedents confront us. I believe many of us recognize the fact that what we do during this session may bind the Senate for the next 100 years. Naturally, we are deeply troubled by some of those problems. I hope, as I said on the opening day of this session, that during the debate we may keep this issue undetermined, and that we may approach the solution of the problem without prejudice and with an open mind. We must recognize the fact that we may honestly differ with our colleagues on either side of the aisle and that we must not attribute to them motives which would be detrimental to their character or intelligence or patriotism.

So far as I am concerned, I know of no six Senators who are entitled to more respect than the distinguished Members who, through no choice of their own, have served on the select committee.

Mr. JOHNSON of Texas. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. JOHNSON of Texas. I wish to associate myself with the statement just made by the distinguished Senator from California with respect to the six Members who have served on the select committee, and I would like particularly to pay tribute to the Members who were recommended for appointment by the majority leader. I have never known of any select committee or any other committee to function more fairly and more diligently and more honestly and more patriotically than this select committee. I wish to associate myself with what the majority leader has stated with respect to the services of the members of the select committee.

Mr. WELKER. Mr. President, I shall not allow the remarks of the junior Senator from Kansas to stand as an indictment of Senators, particularly of the junior Senator from Idaho, who in all good faith tried to ask sensible and legal questions so that he might better understand the issues and in that way impart what little he could learn to his fellow colleagues.

I do not wish to be called one of those who are asking self-seeking questions or are bombastic. I venture to say that there is no man who has any higher respect for the six members of the select committee than I have. If I had wanted to pettifog this morning, my dear friend, the Senator from Colorado [Mr. JOHNSON], would be the first to say that I certainly could have done so. But I am trying to respect my fellow colleagues. Without a doubt, Mr. President, since we do not know whether the members of the select committee were investigators, or jurors, or judges, those of us who are interested in the legal aspects of the matter may ask sane and sensible legal questions. I defy any member of the select committee to show me that he has studied the law any more diligently than I have in this case, the result of which may set a precedent for the United States Senate for untold years to come.

I do not like to have it said that those of us who interrupt to ask legal questions are self-seeking and bombastic. I want that written in capital letters in the RECORD, because I have not attempted to act in such a manner and never shall. But I certainly want brought out the truth as to the law, and I expect to cross-examine as long as my friends on the select committee will put up with it. My examination will be honorable, decent, and fair, I can assure the Senate.

Mr. THYE. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. THYE. I should like to associate myself with the remarks of the distinguished majority leader, concurred in by the distinguished minority leader. I stated at the time the Vice President

named the members of the select committee of six Senators to hold hearings and to submit a report on the censure resolution, when I was asked about it by members of the press in my own State, that I knew of no other six men in whom I had greater confidence or in whose judgment I would be more willing to place my trust.

I am happy that the majority leader and the minority leader have made it emphatically clear that those Senators have rendered a great service, a service against which there can be no attack. The resolution presents a controversial question, and both sides have their supporters and friends, but I know we all have great confidence in and respect for the members of the select committee.

Mr. LANGER. Mr. President, will the Senator from California yield?

Mr. KNOWLAND. I yield.

Mr. LANGER. By a strange coincidence, when I returned to North Dakota after the regular session I also was asked by the press in my State what I thought of the six Senators who had been appointed on the select committee. I said at that time, as I had said previously, that I would be perfectly willing to be tried for my life before any one of those six men. As I have listened to the debate, Mr. President, I wish to reiterate that I do not know of any six other men who in my opinion could have done a better job.

RECESS TO 11 A. M. ON MONDAY

Mr. KNOWLAND. Mr. President, I move that the Senate now stand in recess until 11 o'clock a. m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 44 minutes p. m.) the Senate took a recess until Monday, November 15, 1954, at 11 o'clock a. m.

SENATE

MONDAY, NOVEMBER 15, 1954

(Legislative day of Wednesday, November 10, 1954)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, once more at the beginning of a new week's challenge—

"We come unto our fathers' God,

Their rock is our salvation,

The eternal arms their dear abode,

We make our habitation."

Thou hast set us in a world of wonder and beauty. We beseech Thee to give us wisdom to uncover the springs of radiant delight. May we find joy in the loveliness of nature, in the strength of friendship, in the conquest of difficulty, and in the compensations of service.

In all our dealings with those who walk by our side and who are tempted, even as we, may we say to them and of them the generous things which would

be upon our lips if they were here no more. Preserve us from false judgment. Help us to judge others as we would be judged, to serve as we would be served, to understand as we would be understood. When the shadows fall and evening comes, give us the supreme satisfaction that we have given our best to every task and that we have faced every duty without bitterness, with charity for all and malice toward none. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, November 12, 1954, was dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

PROTOCOLS RELATING TO THE FEDERAL REPUBLIC OF GERMANY—REMOVAL OF INJUNCTION OF SECRECY

As in executive session.

Mr. KNOWLAND. Mr. President, there are on the Vice President's desk two protocols with the Federal Republic of Germany. The State Department has advised that it knows of no reason why the protocols should not be made public.

One is a protocol with the Federal Republic of Germany on the termination of the occupation regime, signed at Paris on October 23, 1954, which is Executive L, 83d Congress, 2d session.

The second is a protocol providing for the accession of the Federal Republic of Germany to the North Atlantic Treaty, signed at Paris October 23, 1954, which is Executive M, 83d Congress, 2d session.

I ask unanimous consent that the injunction of secrecy be removed from the protocols, and that the protocols, together with the President's message, be referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

The VICE PRESIDENT. Without objection, the injunction of secrecy will be removed, and the protocols, together with the President's message, will be referred to the Committee on Foreign Relations, and the message from the President will be printed in the RECORD. The Chair hears no objection.

The message from the President is as follows:

To the Senate of the United States:

I transmit herewith for the consideration of the Senate a certified copy of the protocol on the termination of the occupation regime in the Federal Republic of Germany, signed at Paris on October 23, 1954, to which are annexed five schedules, and a certified copy of the protocol to the North Atlantic Treaty on the accession of the Federal Republic of Germany, also signed at Paris on October 23, 1954. I request the advice and consent

of the Senate to the ratification of these two documents.

In addition, I transmit for the information of the Senate a number of related documents. These include a report made to me by the Secretary of State on the present agreements; the final act of the Nine Power Conference held at London, September 28–October 3, 1954, with annexes; three resolutions adopted by the North Atlantic Council on October 22, 1954; four protocols to the Brussels Treaty signed at Paris on October 23, 1954, together with the text of the Brussels Treaty signed on March 17, 1948; a declaration dated October 23, 1954, of the states signatory to the Brussels Treaty inviting Italy and the Federal Republic of Germany to accede to the treaty; a resolution on the production and standardization of armaments adopted by the Nine Power Conference at Paris on October 21, 1954; the Convention on the Presence of Foreign Forces in the Federal Republic of Germany signed at Paris on October 23, 1954; the Tripartite Agreement on the Exercise of Retained Rights in Germany signed at Paris on October 23, 1954; certain letters relating to the termination of the occupation regime in the Federal Republic of Germany, dated October 23, 1954, together with the texts of letters exchanged in 1952 referred to therein; and a statement on Berlin made by the Foreign Ministers of France, the United States, and the United Kingdom in Paris on October 23, 1954.

I know the Senate is aware of the very great importance of these agreements to the security of the United States and to the cause of peace and freedom in the world as a whole. The agreements represent the culmination of a joint effort, extending over several years, to promote closer cooperation in security matters among the nations of Western Europe and to find a way of associating the great potential strength of the Federal Republic of Germany with that of the free world in a manner which will insure freedom and equality for the people of Germany and at the same time will avoid the danger of a revival of German militarism. The Congress of the United States has recognized on several occasions that the effectiveness of the entire Atlantic relationship depends to a very great extent upon the attainment of these objectives, and last summer the Senate adopted a resolution—Senate Resolution 295, July 30, 1954—expressing the sense of the Senate that steps should be taken to restore sovereignty to Germany and to enable her to contribute to the maintenance of international peace and security.

It was hoped that these objectives would be accomplished through the treaty constituting the European Defense Community, together with the Bonn conventions of May 26, 1952, which were designed to terminate the occupation regime in the Federal Republic. But the treaty constituting the European Defense Community failed of ratification, and the conventions, being dependent on the treaty, could not be brought into effect. Accordingly, it became necessary